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ABSTRACT

The Senate Select Committee on Nutrition and Human Needs held hearings on the "Food Distribution Program." The Program--often referred to as the "commodity distribution," "surplus distribution," or "direct distribution program"--has the dual purpose of alleviating farm surpluses and helping the poor. It presently feeds about 3.6 million Americans living in about 1,000 counties and cities. It is an out-growth of farm-oriented legislation which was developed in the mid-1930's. The program reached its peak levels after World War II. Since the early 1960's, it has been overshadowed by the Food Stamp Program, which now reaches about 10.5 million people. The Committee believes that the Food Distribution Program is fraught with problems and difficulties. First, the testimony of recipients is recorded. Secondly, members of the private food sector describe what is wrong with the program as it now exists; and, thirdly, is recorded how it might be substantially improved. In addition, state and local administrators give reports on the functioning of their programs. In the appendix, materials submitted by witnesses are included, as are relevant newspaper articles. (Author/JW)

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NUTRITION AND HUMAN NEEDS—1971

HEARINGS

BEFORE THE

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

OF THE

UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

NUTRITION AND HUMAN NEEDS

PART 8A—FOOD DISTRIBUTION PROGRAM

WASHINGTON, D.C., SEPTEMBER 15, 16, 1971

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EDUCATION & WELFARE
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FOOD DISTRIBUTION PROGRAM:
Part 8A—Hearings of September 15, 16, 1971
Part 8B—Hearings of September 22, 23, 1971

CONTENTS

FOOD DISTRIBUTION PROGRAM

WEDNESDAY, SEPTEMBER 15, 1971

Page

Senator Percy's letter of September 1, 1971, to Secretary Richardson; and Secretary Richardson's response of November 5, 1971 v
Opening statement of Senator Percy, presiding 2027

WITNESSES IN CHRONOLOGICAL ORDER

Riggins, Mr. Marlow, Phoenix, Ariz 2029
Choate, Mr. Robert B., Robert B. Choate & Associates, Washington, D.C. 2039
  Prepared statement of 2049
Brooke, Senator, prepared statement of 2068
Manning, Mr. Frank, president, Legislative Council for Older Americans, Inc., Massachusetts 2069
Peppard, Mrs. Rita, VISTA volunteer, Boston, Mass 2071
  Prepared statement of 2073
Weiner, Mrs. Gertrude, managing attorney, Legal Assistance Program, Boston, Mass 2075
  Prepared statement of 2076
Troy, Mrs. Bina, Paris, Mo 2082
  Prepared statement of 2082
Olivarez, Mrs. Grace, executive director, Food For All 2084
  Prepared statement of 2085
Bauman, Dr. Howard E., vice president, Science and Technology, Pillsbury Co 2090

THURSDAY, SEPTEMBER 16, 1971

Opening statement of Senator Percy, presiding 2099
Peterson, Mrs. Ester, Consumer Adviser to the president of Giant Food, Inc 2100
Latham, Dr. Michael, professor of International Nutrition, Cornell University 2108
Bolger, Miss Susan, nutritionist, Maternal and Infant Care—Children and Youth's Project, Boston, Mass 2121
  Prepared statement of 2121
Stephens, Mr. Harvey, executive vice president, ARA, Inc.; accompanied by Mrs. Edythe Robertson, nutritionist 2141
Abascal, Mr. Ralph, staff attorney, Neighborhood Legal Assistance Foundation, San Francisco, Calif 2151

APPENDIXES

Appendix 1. Items pertinent to hearing of September 15, 1971:
  Item 1—Material submitted by witnesses:
    From Marlow Riggins 2165

Page

Appendix 1.—Continued:
  Item 1—Continued:
    From Robert B. Choate:
      Four photos depicting conditions of old age recipients 2166-69
      Exhibit A—Dietary levels of households in the United States, Spring 1965 2170
      Exhibits B and C 2171
      Exhibit D—Rain check 2172
      Exhibits E, F and G 2173
      Exhibit H—Commodity distribution program, State monetary standards of eligibility for certifying households 2174
      Exhibit J—Table 4 2176
      Exhibit K—FNS(FD) Instructions 709-6 2176
      Exhibit L—Cost per pound figures for food 2177
      Exhibit M—Second quarter estimates for fiscal year 1971 2178
    From Rita M. Peppard:
      Allston-Brighton Food Surplus Task Force Petitioners 2180
    From Gertrude Weiner 2184
    From Bina Troy 2184
    From Grace Olivarez:
      A Study of the Federal Food Program in Puerto Rico 2185
      Food Distribution Challenges for the Seventies 2187
    From Howard E. Bauman:
      Warehouse Sanitation Control 2229
  Item 2—Material submitted by other than witnesses:
    Enclosure from Secretary Richardson, letter of November 5, 1971 2260
    An Anonymous Report:
      USDA Packaging of Commodities for Distribution to the Poor 2261
    From Mrs. Muriel Barron, Paris, Mo 2267
Appendix 2. Items pertinent to hearing of September 16, 1971:
  Item 1—Material submitted by witnesses:
    From Ester Peterson:
      Experts Unite to Plan Program 2268
      Giant Food Stores Nutritional Charts 2271-77
    From Dr. Michael C. Latham:
      Tables on Nutrient Values 2278
      The Commodity Distribution Program in Tompkins County, New York 2281
    From Susan Bolger 2283
    From Edythe Robertson:
      Food Preferences of College Students and Nutritional Implications 2284
    From Ralph Abascal:
      Exhibit 1—Correspondence regarding illegality of California's Commodity Distribution Program 2292
      Exhibit 2—U.S. District Court, Eastern District of California 2301
      U.S. District Court, Central District of California, No. 70–774–R 2309
      U.S. District Court, *Coronado* v. *Quitoriano* 2315
      U.S. District Court for the Northern District of California, Civil Action No. C–70–2160 AJZ 2318
      U.S. District Court for the Central District of California, No. 70–774–R 2320
  Item 2—Material submitted from other than witnesses:
    From Noland K. Deaver 2323
    From Kevin H. White, Mayor of Boston 2323
      Food Assistance Programs in Boston 2324
  Item 3—Articles of interest:
    From the Monroe County (Missouri) Appeal, August 26, 1971:
      All Counties To Be Treated Equally in Free Food Program 2327
    From the Cornell University News, September 16, 1971:
      Office of Public Information Release 2327
    From the Washington Post, October 8, 1971:
      Only the Issue Is Gone: The Hungry Are Still With Us 2329

SEPTEMBER 1, 1971.

Hon. ELLIOT RICHARDSON,
Secretary, U.S. Department of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: I will be conducting hearings in mid-September through the Senate Select Committee on Nutrition and Human Needs on the Commodity Distribution Program of the Department of Agriculture.

In conjunction with those hearings and in light of the House-passed version of H.R. 1, I would be interested to know what the position of the Administration is with regard to the future of the Commodity Program and the ultimate implementation of the Family Assistance Plan.

I would appreciate an early response to this request.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., November 5, 1971.

HON. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your letter of September 1 in which you request information on the Administration's position concerning the future of the Commodities Distribution Program (CDP) as it relates to H.R. 1, the House-passed Welfare Reform bill pending before the Senate Committee on Finance.

As you know, Section 502(a) of H.R. 1 excludes persons eligible for benefits under both the family and adult programs from participating in the Food Stamp Program. There is no provision in the current bill, however, which precludes participation in the commodities program.

Under the commodities program the Department of Agriculture donates food acquired through price-support and surplus removal purchases to States (and territories) for free distribution to schools and other institutions serving the needy and directly to needy families where direct distribution programs are in effect. The food stamp and commodities programs have been considered, in effect, as two alternative methods of providing subsidized food to low-income people. It has not been possible for a family or an individual to get both food stamps and commodities.

The Department's original proposal in the House this year to "cash-out" food stamps also applied to commodities, since our objective was to substitute cash payments to assistance beneficiaries in lieu of all current in-kind food program benefits. The House adopted the food stamp "cash-out" in H.R. 1 but did not prohibit eligibility for commodities, primarily as a result of differences in Committee jurisdiction over the two programs.

On the one hand, leaving the situation as it now exists in H.R. 1 could have several possible adverse effects. A question of equity arises if, in addition to receiving cash available to all recipients as a result of the cash-out of food stamps, some assistance beneficiaries also remain eligible to receive commodities simply because they live in communities which now administer that program rather than a food stamp program. Further, the quantity of commodities to which a recipient is entitled under the Commodities Distribution Program remains level up to the income cut-off beyond which the family is no longer eligible, in contrast to the progressive reduction of cash benefits as family income increases. The "notch" which this creates may not only cause a lessening of incentives to work but also generate a new demand for commodity programs in local communities which formerly administered food stamp programs.

This would put heavier demands on the supply of surplus commodities, perhaps to the disadvantage of institutional and non-welfare participants in the program.

On the other hand, there are arguments for the retention of the eligibility of H.R. 1 recipients for the Surplus Commodities Program. One is that the law is on the books and the surplus food is, or could be, available to feed the hungry of our nation. A second argument is that the issue is of such magnitude that an effort to change it in H.R. 1 might further delay the reform of our welfare system, a critically needed restructuring of a program which affects every American citizen. Finally, there is again the possibility that the Committee jurisdiction problem might impede consideration of the issue on its merits altogether.

The Department's view, stated during the recent Senate Committee on Finance hearings on H.R. 1, is that passage of H.R. 1 should not provide incentives for the initiation of another nation-wide commodities program. One method which has been suggested to avoid such a situation would be to define surplus commodities as income and to reduce the H.R. 1 payment accordingly, thus insuring that no additional benefit would be attached to a recipient's participating in the Commodities Program. We have, of course, expressed our willingness to work closely with the Committee on Finance on this as well as other significant issues in H.R. 1 in order to obtain action on welfare reform at the earliest time.

Enclosed is an excerpt from the Finance Committee hearing record on H.R. 1 (pp. 276–278) * which provides further explanation of the Department's position and the problems in this area.

I hope this information will be helpful to you in compiling your hearing record. If I may be of service in the future, please do not hesitate to get in touch with me.

With kindest regards,

Sincerely,

(S) ELLIOT, *Secretary.*

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*See Appendix 1, p. 2260.

FOOD DISTRIBUTION PROGRAM

WEDNESDAY, SEPTEMBER 15, 1971

U.S. SENATE
SELECT COMMITTEE ON
NUTRITION AND HUMAN NEEDS
Washington, D.C.

The Select Committee met at 9:40 a.m., pursuant to call, in room 1114, of the New Senate Office Building, Senator Charles H. Percy, presiding.

Present: Senators Percy, Bellmon, and Cook.

Staff members present: Kenneth Schlossberg, staff director; Gerald S. J. Cassidy, general counsel; Judah Sommer, minority counsel; and Elizabeth P. Hottell, professional staff.

OPENING STATEMENT OF SENATOR PERCY, PRESIDING

Senator PERCY. This is a public hearing conducted by the Senate Select Committee on Nutrition and Human Needs. The committee's purpose in holding this hearing is to take its first look into the Food Distribution Program of the U.S. Department of Agriculture.

This program is one of the three basic programs administered by the Department to help feed millions of Americans. Since its inception, this committee has often conducted hearings to analyze and observe the two other programs, namely, the child feeding programs and the Food Stamp Program. Yet it has never, in any way, attempted to assess the performance of the Food Distribution Program.

The Food Distribution Program—often referred to as the "commodity distribution," "surplus distribution," or "direct distribution program"—has the dual purpose of alleviating farm surpluses, and helping the poor. It presently feeds about 3.6 million Americans living in about 1,000 counties and cities. It is an outgrowth of farm-oriented legislation which was developed in the mid-1930's. That legislation was designed primarily to remove farm surpluses and help support farm prices; and, only secondarily, to feed America's hungry. The program reached its peak levels after World War II. Since the early 1960's, it has been overshadowed by the Food Stamp Program, which now reaches about 10.5 million people.

This committee, through its staff and a consultant—from whom we will hear testimony this morning—has developed, over decades, a story of Federal bureaucratic confusion; uncertainty on the part of the States as to their own responsibilities; attempts by the counties to place barriers before the poor; and, a general attitude toward commodity recipients as second-class citizens. This whole program seems to be fraught with problems and difficulties.

We consider it our duty to turn a national spotlight on this program that we might ultimately seek corrective legislation—or, at least, administrative responsiveness.

SCHEDULE OF THE HEARINGS

Today we will hear the stories of recipients who must contend with varied eligibility requirements, and the failures of Federal, State, and local governments to consistently supply adequate food. Tomorrow we will call upon members of the private food sector to describe, from their points of view, what is wrong with the program as it now exists; and, how it might be substantially improved.

Next Wednesday we will hear both State and local program administrators explain their conceptions of responsibility for the smooth and efficient operation of the program. And next Thursday, the Department of Agriculture will have an opportunity to comment on the distribution program it administers; also, on what it might do to make it a better one.

It seems perfectly clear to this committee, in spite of some stated intentions to replace direct food distribution with cash equivalents through the Family Assistance Plan, there is a very good chance that the existing program will continue. Given the political realities of this situation—and there is just as much politics involved in this program as many other considerations, including humanitarian, unfortunately—it is imperative that this committee attempt to analyze and observe the Food Distribution Program, and to continue to watch its development with a careful eye. We must sincerely attempt to do what has been neglected for 35 years—make Government more responsive to the needs of surplus food recipients.

As President Nixon stated last Wednesday: "The United States . . . is firmly committed to help the poor and feed the hungry." Yet a nation which spends over $4 billion annually to limit food production can, and should, spend more than $7 per month per hungry person to see that 3.6 million Americans are not undernourished nor ill-fed. We can provide food for our poor; and we should do it as a first, not a third, priority.

I have some deep feelings about these programs and I am pleased to have the opportunity to chair these hearings.

Our family was one of the early recipients in the mid-30's of the surplus food program, and for a year we observed the program firsthand.

I have been rather interested that, many times through the years, we have had thousands of pounds of lard available to distribute to poor families—because lard is in excess from our farms—but, we have had very little orange juice on most occasions. It is only available when there is a surplus of the crop. It is not always available when our children need orange juice.

I have just returned from an intensive visit to India and Pakistan, and have visited hospitals and settlement refugee camps there. While there we had the experience to see one of the greatest, tragic migrations of human beings the world has ever witnessed. Eight million people have uprooted their homes and left—migrating from East Pakistan to India. The Indian Government—a developing nation, impoverished so far as its own needs are concerned, with half their population underfed, ill-housed, and ill-clothed—has performed, I think, an administrative miracle by establishing camps, by housing, by clothing, and by feeding 8 million people—who have come from a country with which it was at war just a few years ago.

America Leads in Feeding Others

The world has responded with benevolent gifts; about $140 million in contributions from all the nations of the world. And, I am happy to say that America has given about half of this—as much as all the rest of the word combined—$70 million.

Nonetheless, the Indian Government has the crushing burden of providing a balanced diet to 8 million people at a cost of up to $1 billion a year.

If that Nation, in those impoverished conditions, can feed citizens of another country that have just migrated to its own land; then this Nation—the richest Nation on earth—has an absolute responsibility to see that we do not undernourish and ill-feed our own hungry citizens.

It is in that spirit that we open these hearings.

I think it is appropriate that we have a private citizen appear first. We call before this committee Mr. Marlow Riggins.

Mr. Riggins, we welcome you to this hearing. We appreciate very much your coming. If you would care to just be seated, you will not have to be sworn in. I assume everything that you are about to tell is the truth, and the whole truth from your own personal experience, not hearsay.

If you could just state your name and go right ahead with your testimony.

STATEMENT OF MR. MARLOW RIGGINS, PHOENIX, ARIZ.

Mr. Riggins. Thank you, Senator.

Ladies and gentlemen, my name is Marlow Riggins.

I am here mainly to protest the commodity foods that our Government allows to be put on the table of old and young alike, and then expect these people to function like normal citizens. These commodity foods are something that you would not—and do not—eat yourselves.

I am a bricklayer by trade, and if I were not disabled, I would be making more than $60 per day following my trade. I have been a bricklayer for almost 25 years, and made a good living through the years. I paid my taxes like a trooper, and never really complained about what was coming out of my check each week. But I think now that my biggest mistake was in being one of the silent majority and not really having enough interest to see exactly where my tax dollars were going and just how they were being spent. Had I known then what the poor people had to eat each month—month after month—I would probably have taken it up with the unions, and anyone else I could reach, who had been asleep to what has been going on.

If someone had told me a couple of years ago that I would be in the position I am now, I would have called them crazy. You people have the idea that a lot of us who are on welfare goof off and don't want to work. Well, let me tell you that I didn't give up that kind of money just so you can feed my family and me this stuff you call food. I have lost my home, my car, my truck, and I am living in a city-housing project. The people I am here to represent are almost all in the same category with me: They are disabled, one way or another, and they are used to working and making a decent living. Many of these people were truckdrivers, factory workers, farmers; men that helped America to grow by paying their share of taxes, and were as active as good citizens as the members of this body.

IS NOT CONGRESS RESPONSIBLE . . .

The Members of the Congress are responsible for the welfare and food programs which affect thousands of our citizens who, for whatever reason, are not in a position to be self-sufficient. I know that you have had many communications and complaints, particularly about surplus commodities, from all parts of the country both from individuals and from groups. For some reason, you don't seem to hear what anyone is saying. You remind me of myself when I didn't know about commodity foods.

I don't know if you really are aware or not of what you are doing to these people by feeding them the same thing over and over and over. The people just simply cannot eat the same thing constantly that you people put out month after month. Adding a couple more commodities does not take away the same canned meat that we have to eat over and over; the same rice over and over; the same beans over and over. Don't you ever stop to think what you are doing to the children and the old people?

Would you be willing to feed your family commodities for a month? I sometimes think this is the only way you will ever understand and listen to what we are telling you.

GET FOOD STAMPS FOR ALL

We want food stamps. Although your record of responding to people who come before you is not very encouraging, I am still here today to beg you to do everything in your power to get food stamps for all the people.

Now that the President has delayed welfare reform for a year, there should be a much better chance to get food stamps for us.

Food stamps have proved out nearly everyplace in the United States. The citizens of Phoenix are human beings, just like those in New York, Indiana, or Pennsylvania. They have the same right to be fed decent food and to live with some hope of the future as any other citizens.

We want to be able to go to the market and buy our food like you do. Food stamps will make this possible, and will give us a choice so we can give our children a decent and adequate diet. Food stamps will also help the many diabetics and the old people who cannot eat commodity food.

We would rather buy fresh vegetables and fruits that are grown in Arizona by Arizona labor than to have dried foods shipped across the country. Added buying power would help our whole community.

We have members in our PUSH—and I might stop here to explain PUSH.

It is an organization that we gathered together and it is called "People United for Self Help." These people that are united for self help in one way or the other have disabilities.

We have members in our PUSH group who are even denied commodity foods. If these people lived in Tucson, they would be able to get food stamps and would eat much better than those of us who get commodities.

I might add, Arizona is under a two-way deal on this now. They have different regulations in four counties and the other 10 counties have different regulations, and we think they should all be governed under one law in the State.

MUST KNOW OF DUMPED COMMODITIES

On the quality of surplus commodities, I believe you are aware of the commodities which go to the city dump. I don't think it could happen so often without your knowing about it. You must also know that commodities have been issued with worms in the flour and rice; also ground glass has been found in the peanut butter; and I have proof of worms, feathers, and sharp bones being found in the so-called "boneless chicken." Ask any user of commodities and they will tell you about these conditions.

The commodity list sounds like there is a wide variety of foods available. What they don't tell you is that we don't get nearly all of these items at the same time, and that when we get a canned vegetable, for example, we get the same one month after month.

We get green beans for 6 months, maybe 8 months in a row.

EFFECTS OF MONOTONOUS DIET

The other day I talked with a teacher who told me that the children who live on the surplus commodity diet have the lowest grades in her classroom. I have three teenage children at home yet. These boys of mine have gone from B's and C's to failing grades, and the two older ones are talking about dropping out of school altogether. We all know that today the kids need all the schooling they can get or they will become "tax burdens" themselves one day.

I also might add that since I wrote this, the boys have dropped out.

I might add that the welfare budget in Arizona is so low that once a family gets on welfare it is almost impossible to get off. I am sure that the poor whom I am representing here today have in some way or another given something to the State, and have not expected anything in return. They have become disabled through injury or illness, and in many cases have been denied industrial compensation or other disability benefits.

Can you understand what it is like when a man cannot do the job he has done all his life and has to either change his career at 40 or 50 years of age, or cannot work at anything the rest of his life and has to watch his family go hungry; get down to little or nothing to put on their backs, and has to hang his head in shame because he has to ask the help of someone to feed his children? I really don't know, but I believe this has a lot to do today with the bitter attitude of people that were once proud people, just like you ladies and gentlemen of the board. Once these people were called "mister," and now they are called everything from "tax burdens" to "lazy loafers."

In my time I have donated hundreds of hours of labor to community projects. My greatest hope is that I can be trained for a new career so I can again be a productive citizen and again can make contributions to my community. If I can reach this goal, I can promise you that never again will I fail to find out what is happening to the poor people in my community.

I sincerely hope that you, the Members of the Senate, will begin to see us as individual citizens and not as merely numbers in the reports you read. We want to work with you. We hope you will work with us.

I might add, before I get through here, I have two petitions here that were signed from these people—well, you have one up there with you, also—about the surplus commodities with the worms and the ground glass and so forth.

Also with me I have a copy of a letter from the mayor's office in Phoenix, who stopped at my home and asked to meet my children and talk with them for awhile; and at the same time some of these surplus commodities were opened at that time, and he, himself, saw the feathers and the bones in this chicken. I have his personal testimony.

Thank you, ladies and gentlemen.

Senator **Percy**. I wonder if we might have those letters, Mr. Riggins, please.

Mr. **Riggins**. Yes, sir.

Senator **Percy**. First, would you mind telling us about your disability, and how it came about?

You have been a bricklayer for how many years?

Mr. **Riggins**. For almost 25 years. I have been union for better than 22 years. I fell three stories about 4 years ago and, of course, I had a little arthritis before then and it came in little by little. I guess I didn't realize that it would actually happen, but this is what brought me to Arizona. My former home was in Indiana. Since this hurt me so bad through the winter back there to work, I moved to Arizona—Phoenix—and I was able to work there for a couple of years until I got down to maybe where I was working 1, maybe 2 days a week.

Senator **Percy**. But you are simply unable to carry on?

Mr. **Riggins**. I cannot work at all.

What Training Has Been Available

Senator **Percy**. What training has been available to you? Here you are in the middle of your life; you have many years of family responsibility ahead of you. What training programs have been available to you, to help you adapt to this disability now and to develop a new skill?

Mr. **Riggins**. I was offered training at one time through rehabilitation in the welfare program, and which I signed up for better than a year ago. And 2 weeks ago I just now completed my 2-week testing period. And through that testing period, I came out to either working in communications or to learn to be a broadcaster.

But today, so far, I have still never heard nothing from these people. But this has been a year now.

Senator PERCY. I commend you for wanting to make this effort and trying to develop a new field.

Mr. RIGGINS. Senator, I am more worried about my children. I am worried if I don't do something to get the boys to finish school, one day they will also be tax burdens.

Senator PERCY. What is your general observation on the comments, so frequently made, that the people who are getting public assistance are there simply because they are too lazy to work?

You certain are atypical of what the public image is of a welfare recipient.

Mr. RIGGINS. Yes, sir; I understand what you are getting at.

Senator PERCY. What has been your own experience? Do you think people want to be on welfare, for the most part?

Mr. RIGGINS. No, sir; they do not.

I live in a city housing project—in which, I might add, we are the only Anglo people in the whole project—but most of those people there are good people. And most of the people that I have talked to there, they would do anything to go back to work, to do something for themselves. They want to get back on their feet.

This is why I added on there, that because Arizona laws are so low, the welfare part is, because when you get down to this standard, you almost cannot get out. It is almost virtually impossible to get back out.

Senator PERCY. What was your own impression of the President's announced welfare reform program which would provide a minimum income base for a family in the form of cash? And then, what was your reaction when the program was delayed?

Mr. RIGGINS. Well, I had an extra page on that and I was asked to leave it out.

Senator PERCY. I am asking you to make a statement on it right now. I think your own particular attitude toward it is important.

Mr. RIGGINS. I do not think much about it.

Senator PERCY. It seems, to me, you would have an observation that would be important to us.

Mr. RIGGINS. Well, I never did think much of his program. I do not think he thinks too much of the recipients. I think he has the same idea about the recipients that a lot of people do: And, that is, they have kind of closed their eyes on the deal, like I used to when I was making pretty good money.

YOU MUST EXPERIENCE TO KNOW

I just wish he could see it. I wish he could live it. And, in fact, I do not think it would hurt any man to live it for a while, to actually experience and know what it is, and watch your own children be kind of looked down on.

Senator PERCY. I fully supported the President's economic reform plan and revitalization program. I think it was a brilliantly conceived package—although there are some parts of it I do not like.

I think the greatest tragedy is the delay on the welfare reform program. The President wants it badly. This is a basic reform which we absolutely need, if we are ever to get people off of the welfare rolls.

Mr. Riggins. That part I agree with.

Senator Percy. This is a program of training, education, child-care centers, and so forth—and it is vital to the country. I was very sorry to see it delayed.

By the way, do you have workmen's compensation.

Mr. Riggins. No, sir.

Senator Percy. You do not?

Mr. Riggins. No, sir.

Senator Percy. What is your present source of income?

Mr. Riggins. I receive disability which the State puts out. And I do not know whether they call it a pretty good amount or not, but I was getting paid $45 a month; and they cut 5 percent off that. It is now down to $42 a month. My wife receives $166. And this is what we get. This is what we live off of.

Senator Percy. How many children have you?

Mr. Riggins. I have three left at home. The oldest boy finally left and went on his own.

Senator Percy. You have three children, and what are their ages?

Mr. Riggins. They are all teenagers.

Senator Percy. Did you have any difficulty becoming certified to receive commodities?

Different Counties—Different Rules

Mr. Riggins. Not as much as some of them, Senator. But there's disqualifications there. Like I mentioned in here, we have people in our PUSH group, People United for Self Help, people that have the same qualifications, really, as I have and are unable to go up there today and get surplus commodities—which, if they lived in a different county, say Pima County in Tucson, they could go up and get food stamps with hardly any regulations, or none, and which I think is not right; one law over the whole State should take care of it. But this law is divided.

We are asking for food stamps for the other 10 counties, and we are asking for Maricopa County, because it is the county——

Senator Percy. If you lived in Tucson, would you be able to get food stamps?

Mr. Riggins. Yes, sir.

Mr. Percy. But you are living in Phoenix, and they have the choice of either food stamps or commodities. If they choose the commodity program, you cannot receive food stamps?

Mr. Riggins. That is right, sir.

Senator Percy. So you, as a very low-income family now—by physical disability and not inclination—by accident of where you happen to live, are discriminated against on that program, then?

Mr. Riggins. I believe I am.

Senator Percy. How long have you been receiving commodities?

Mr. Riggins. Right at a year now, Senator.

Senator Percy. Can you give us some feeling as to the adequacy of the commodities that you receive for your family of five?

Mr. Riggins. You are allowed one sack of beans for each person. You are allowed one sack of rice for each person. You are allowed one can of green beans for each person for the month. You are allowed the same chopped meat which they do give out every month for each person, and so forth. You get a couple boxes of powdered milk, and maybe two sacks of flour.

Senator PERCY. Could you give us an idea of a typical meal that your wife might be able to prepare?

Mr. RIGGINS. I will be honest with you, she does not prepare them any more because nobody will eat them.

Senator PERCY. Pardon me?

Mr. RIGGINS. I will be honest with you. She does not prepare a meal out of them any more because nobody in our house will eat them any more. They have just eaten so much so often, Senator, that they cannot eat them any longer.

If you want to prepare a meal out of it—all you can do is heat them up a little bit, maybe put them on a plate, or maybe wait until you get your check in and pick up a few odds and ends of green things to kind of slice up and put in there with them, maybe to get kind of a different taste, like putting onions into the green beans. But other than that, there really is not much change to it.

They also give us envelopes with the food that tell what to put with it for each article and cook with it. But, Senator, you are still eating the same thing over and over.

Senator PERCY. Do you get the impression that this program is actually designed to help feed impoverished and hungry Americans or is it essentially to get rid of surplus commodities that are produced by our agricultural community?

ONE-MAN RULE PREVAILS

Mr. RIGGINS. It looks like they are trying to get rid of the surplus commodities they have stocked up somewhere.

We also have a commissioner on our board in Phoenix that simply cannot see the food stamps. He wants the commodities. And, honestly, he actually told me at the last meeting that he wants commodities in here, and he says, "Why start Maricopa County with the rest of them on food stamps when eventually we will only all have to go back on commodities again, maybe, and we will save that much money."

But as the system is set up now, he is costing the State more money, the way he is operating, than he would if he went one way or the other.

Senator PERCY. Thank you very much indeed. We appreciate your being here.

Senator BELLMON. Could I ask a question?

Senator PERCY. Of course. I am sorry. My distinguished colleagues have joined me.

Senator BELLMON. Mr. Riggins, I appreciate your testimony a great deal. Frankly, I share some of your feelings about the commodities program.

But let me ask you a question: In our State the commodity distribution program, in my opinion, has been used as a political football in that sometimes our county commissioners seem to want to hand these commodities out personally. Do you find any political influences in connection with commodity distribution in Phoenix?

THE COMMISSIONER SAYS "NO"

Mr. RIGGINS. Well, I do not think it would be political, because if it was—well, I do in a way believe that. My honest opinion is that he actually does what Governor Williams tells him to do. What this comes from, I do not know. This is what I have heard. I would not say it otherwise. But it has been passed down. I have talked to Mr. Graham, who is the commissioner, myself, personally, without anybody else around, and he has actually told me this many times: That he does not want the Food Stamp Program.

Senator BELLMON. He does not want the Food Stamp Program?

Mr. RIGGINS. No, sir.

Senator BELLMON. Why does he prefer the commodity program?

Mr. RIGGINS. I do not know. I have been given maybe three different answers at times. But I have never got a real answer out of him yet. One day we hope to do this.

Senator BELLMON. In our own State I have a feeling that in many cases the local politicians feel that they get a considerable advantage out of commodities because a lot of the poor people and elderly people feel that these commodities are actually a gift from the local politician who passes them out. Do you think this is the situation in Arizona?

Mr. RIGGINS. Senator, I cannot really answer that because I do not know.

I can answer this: That the chopped meat in the commodity program has been analyzed, and some of your dog food has a higher protein content in it.

Senator BELLMON. When did you last get commodities?

Mr. RIGGINS. About the 7th of this month.

Senator BELLMON. Do you remember what you got?

Mr. RIGGINS. Yes, sir.

Senator BELLMON. Can you tell the committee what it was?

Mr. RIGGINS. Yes, sir. I got flour. I got powdered milk. I got green beans again. I got the chopped meat again. I got the regular beans and rice. They put out the corn sirup for your sugar.

Senator BELLMON. What?

Mr. RIGGINS. Corn sirup.

Senator BELLMON. Go ahead.

Mr. RIGGINS. I believe they put out prunes this time.

Senator BELLMON. You have said your wife does not attempt to use these commodities to cook meals; is this right?

Mr. RIGGINS. She will not use them anymore.

Senator BELLMON. What do you do with them?

Mr. RIGGINS. I will be honest. I give them to people, some that cannot apply to get them themselves, that are hungry.

GIVE TO HUNGRY, "UNQUALIFIED" NEEDY

Now, if I said I left them there at home, or did not go by and get them, then I would be saying something false. This is the reason I pick up everything every time. This is for people that cannot get it—that should qualify and cannot—and actually are going hungry. I give them to these people because these people are not used to eating it for a long time, so they can eat it.

Senator **Bellmon**. You mentioned in your statement that we need to know how much of these commodities go to the city dump.

Mr. **Riggins**. I actually watched this. I have actually been down to the city dump many times and watched these things bulldozed under. Because people will go take them and yet instead of using them they will take them and throw them out. They are always trying to get rid of them.

Senator **Bellmon**. Have you ever thrown commodities away?

Mr. **Riggins**. No, sir; I have given them away.

Senator **Bellmon**. That is all, Mr. Chairman.

Senator **Percy**. Thank you, Senator Bellmon.

Senator Cook?

Senator **Cook**. Mr. Riggins, I am sorry I was not here, although I have read your statement during the course of your discussion.

What you are really saying is that when this committee recommended, 2 years ago, that a uniform program be adopted throughout the country, that is where we really made our mistake—not only to make it uniform but mandatory?

Mr. **Riggins**. Yes, sir.

Senator **Cook**. So a county does not really have a choice; that rather than continue to have approximately 11.5 million people on food stamps, about 3 or 4 million people on commodities, this program ought to be uniform throughout the country?

Mr. **Riggins**. Well, Senator Cook, one of the items on the list—they make it sound like there is an awful lot of items on this list, but what they do not tell you is that they only give you some of these items each time.

PRODUCTS NOT AVAILABLE

Senator **Cook**. We have been over this before, and I could not agree more; that although there is a long list of items, some are shipped to some parts of the country and some are never shipped to those parts of the country; and, consequently, regardless of how long the list is, those products are not available at all surplus food centers.

Mr. **Riggins**. Our State is a hot State, Senator, and they say you cannot put the butter and the cheese in there. And yet they sent it back twice—in 18 months, they sent back almost $0.5 million worth.

They are getting on the ball with the next $360,000—some. They said something about getting refrigerated trucks. Because what I was getting at, we could have gotten these things, and they kept sending this money back to the Federal Government instead of using it to help feed these people a little bit better than they have been feeding them. They did it twice in a row.

Senator **Cook**. Also, I think you suggested—and I believe rightly so—the infusion of food stamps into the community also helps the economic attitude of that community by giving purchasing power within the concept of the individual who utilizes them. I think it is extremely important.

Mr. **Riggins**. Yes, sir; we have the chain markets behind us because it is a good power.

But what we are really trying to get at is that you can go shopping with those food stamps and you can buy greens, fresh fruit, and vegetables for your kids that ordinarily you cannot get out of commodities.

PUSH To Grow Own Vegetables

And I might add, Senator Percy, that our organization called PUSH, People United for Self Help, we have kind of got it a little bit better in some ways than we had it before, but some of the people have not. The city of Phoenix leased us 9 acres of land for $1 a year. Then an organization there gave us a plow and a disk and are working out a deal with us on a tractor. Now we will be able to grow 9 acres of this for our organization.

But, of course, this does not do the other people any good, the thousands of people that are in this county or are in the other counties in Arizona. But it is good for us.

But what about these other people? What about what these other people must have to put up with?

Senator Percy. It will be a little hard to do it on the asphalt or the cement of East St. Louis or Chicago. But it is a fine thing for you.

Senator Cook, do you have anything further?

Senator Cook. No; thank you, Mr. Chairman.

Senator Percy. Thank you very much indeed for being with us, Mr. Riggins.

Without objection, I will insert in the record* the certification from the administrative assistant to the mayor of Phoenix that, while visiting the Riggins family, he observed personally bones and feathers in surplus commodity chicken; and the petition signed by a group of citizens of Phoenix indicating that they have received flour, rice, and canned chicken infested with worms, and that they have found feathers and sharp pieces of bone in the boneless chicken.

Mr. Riggins. Senator, we could have had probably a thousand names or signatures on that, but this was just to give you a general idea, to bring it down to you.

Thank you, sir.

Senator Percy. Thank you very much.

The Chair calls Mr. Robert Choate.

Mr. Choate, we welcome you as a longtime consultant to this committee.

I must say that, from a personal standpoint, you shattered me at one point when I read in the newspaper that the breakfast cereal I had been chewing my way through for 40 years—dry as dust as it was—near the bottom of your list. I knew it was so bad-tasting that it must be nutritional. Then the next day I think I discovered the cereal company said it was really nutritional; and, that I ought to take into account the fact that I am putting milk and fruit on this and that I would get nutrition out of that.

My faith in American industry was shattered temporarily by your findings.

We are happy to have you with us this morning. Just proceed as you see fit.

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*See Appendix 1, p. 2165.

STATEMENT OF MR. ROBERT B. CHOATE, ROBERT B. CHOATE & ASSOCIATES, WASHINGTON, D.C.

Mr. CHOATE. Thank you, Senator Percy, Senator Cook.

I have submitted my testimony as a consultant to this committee prior to this time, so I will just give the highlights here this morning in the interests of saving time.

I believe the direct distribution of food as now practiced by the Federal Government is an example of many things: of legislation without legislative history; of myopic congressional oversight; of departmental sensitivity to farm economics outweighing concern for suffering Americans; of nutritional malpractice.

I think the program is a national disgrace.

Thirty-six States have some direct distribution of foods within their borders. Approximately 1,200 jurisdictions—meaning mainly counties—deliver food to approximately equal numbers of public assistance and nonpublic assistance recipients. But even that little statement masks the variances that are to be found in this country, for some counties will only give food to those on public welfare, and some will only give food to those who are not. On the average it costs the Government only $7 per month to feed each recipient.

Acting as a consultant to this committee, I have tried to put together, through my staff and others, an evaluation of the program. We have interviewed earnest government workers trying to operate a rational program under a directionless master, and we have interviewed others who seem to delight in raising local barriers to the participation of the poor.

The distribution of food has served, as you have noted, as an overflow device for an overactive agricultural machine. Section 416 of the Agricultural Act of 1949 enables the Department of Agriculture to support weakened commodity prices, and Section 32 of the Agricultural Act of 1935 enables the Department of Agriculture to purchase farm surpluses when they occur.

According to Direct Distribution Director Juan Castillo, these two farm activities stock the bin wherefrom spill our bags and cans of food for the poor.

FOOD NOT SELECTED FOR NUTRIENT VALUE

The selection of foods for the Direct Distribution Program is influenced not only by actual overproduction but also by politics, by transportation, by public posturing for economic assistance and by costs—by factors other than the total nutrient needs of the poor.

The nutritional deliquency of the direct food effort is galling when one stops to realize that USDA in the mid-1960's analyzed the nutrient consumption of the public by economic groupings and proved to itself that the poor indeed did have shortages of nutrients in a greater number of categories than did their better off counterparts.

I would direct you attention momentarily to Exhibit A*, a part of which in the testimony faces right opposite B and C. You will see a Table 20 there. This is part of that report by the Department of Agriculture in the mid-1960's, and you can see that when a family falls under the $3,000 income—and that was 1965 income—when a family falls under $3,000 income there is almost double the chance that they will be short of four to seven nutrients in their diet than if they were a family having more than a $3,000 income.

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*See Appendix 1, p. 2170.

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When you get down below that poverty level, in 1965, the malnutrition is of a multiple-nutrient type.

The Department of Agriculture further reveals its schizoid personality as it acknowledges the plight of the zero-income families in 1,800 food stamp counties. This committee had a little bit to do with getting the USDA to admit that there were zero-income families. But in the 1,200 direct distribution jurisdictions, USDA seems to ignore the inability of such families to supplement USDA's meager fare. Such families cannot afford the fruit, vegetables, and meat needed to round out the Government's food supply.

Let me get to the specifics of the food problems as we noted them in the commodity program. I am now on page 6.

HEALTH VALUE OF COMMODITY FOODS

The calorie allotment under optimum conditions, in those counties delivering all the food made available by the Secretary of Agriculture, represent less than 80 percent of need. By USDA's own estimate, in a letter to this committee, they stated that 54 percent may be a more accurate figure, and even this may not take into account the wastage of food which must occur in families without proper refrigeration and without safe storage and perhaps frequently on the move. Nutrients actually delivered at the warehouse door also seem to provide between 50 and 80 percent of need, according to USDA, but as I look at their tables, I think the estimates are optimistic.

The month-long nutrient balance is missing from these foods, particularly in those hundreds of counties delivering only a portion of the foods available. Few counties offer all 26 available foods. Even if a county boasts that it does offer them, it may not actually deliver them to all of their recipients, because reporting techniques permit a county to pretend full service even if only one out of 1,000 recipients get a particular type of food.

Food selection is governed at the Washington level by what the marketplace has in excess supply, not by what the poor need, want, or could benefit from.

The packaging of food for distribution fails to recognize the peculiar storage problems of the poor. For instance, how can a single aged man get his daily vitamin C for 30 days from one No. 3 can of fruit juice?

Gentlemen, I found these photographs* left over from the White House Conference on Food, Nutrition, and Health. They were not taken for this particular testimony, but they do give you an "eye" view of the type of families with whom we must be concerned, the solitary aged citizen cooking on a hot plate, a person without a refrigerator, a person who has no storage facilities for these foods, the person who is living perhaps on an Indian reservation and cooking on a wood or coal stove.

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*See Appendix 1, pp. 2166–2169.

How can a single, aged man get his daily vitamin C for 30 days from one No. 3 can of fruit juice? How can a widow and child preserve one 2-pound can of peanut butter for 3 months? How can a couple with two children meet their daily vegetable needs for 30 days from four No. 303 cans of a single vegetable?

Sixty jurisdictions out of almost 1,200 do not even bother to give out vegetables, according to the USDA. One hundred twelve do not bother to offer juices. Cheese, generally the most popular single item in the commodity package, is not given out by 133 jurisdictions. Fortified macaroni is denied by over 300.

We all have taste preferences, a fact which USDA and the counties seem to ignore.

Logic Seems Denied in Distribution

As you have pointed out, Senator, pinto beans are popular in the West and Southwest, but they are found in the Southeast. We have found grits distributed in Massachusetts. We wonder who is in charge of such decisions?

As my staff and I have traveled across the country, we have witnessed counties that know they are running out of an item, perhaps an item critically needed for nutrient balance, yet will not give a "raincheck" to recipients to allow them to come back for an item which is temporarily out of supply. The reason often given is that the paperwork of handling such a system would be "inconvenient" for the county. Thus, when southern California counties were recently alerted that the Bell, Calif., State warehouse was running out of peanut butter—due, I believe, to sloppy USDA ordering procedures—the poor of San Bernardino County were told to forget it for the August distribution.

In that same month, Clark County, Nev., was running out of chopped meat at the same time.

I think in almost every county that we have visited this summer we have found items temporarily out of supply.

USDA does nothing to alert counties to the fact that in some categories they can give out more than the recommended amounts. Apparenly the grapevine must communicate with the counties, and only in this way can the poor be given what are called bonus foods.

USDA makes very little direct communication with county agencies. We witnessed not one single system whereby the poor could express their suggestions to the Department of Agriculture for a better program operation, or could alert USDA to missing food items. Not one single feedback system.

I personally have found the quality of USDA-distributed food is generally good. I am fascinated by Mr. Riggins' statements of this morning. I do have some particulars in my testimony as to foods which are not good. But in general, considering that some 77,000 carloads of food are ordered and distributed by USDA every year, I have not found an amazing number of complaints as to quality.

One of my staff, however, did find some 1967 peas in Clark County, Nev., which I think is going a little far.

Dating of Products Important

I am also fascinated by the fact that, in all of the products given out to the poor, the name of the manufacturer is not evident. There is no way for the poor to alert the manufacturer that his product is faulty. It seems to be done by code. Also, there is no dating on these packages.

It seems to me if the consumer is worth a damn in his country, we better get dating on these Federal foods as well as on private foods.

We do urge you to particularly scrutinize USDA's purchase practices for peanut butter, as well as the quality of the product. We gather that many major suppliers will not bid on contracts for peanut butter, because of the standards under which it is manufactured. And we do note that delivery schedules are sloppy.

We did witness many broken bags of cornmeal as we went through some 20 to 30 counties this summer. We noticed many corroded and bulging cans of orange juice, many broken bottles of corn sirup, and many broken cans of evaporated milk.

This orange juice [displaying a bulging, corroded orange juice can] was found in some warehouses in the Southwest. When I talked to the Food and Drug Administration yesterday, they did not know that these cans existed. And on subsequently checking FDA's relationship to USDA, they find there is no mandatory reporting procedure by which this commercial manufacturer preparing foods for the Government must alert the Food and Drug Administration when some of their cans start to bulge at both ends.

I must have seen at least 50 cases of this product, identified under what are called contract numbers. In checking with the USDA yesterday, they said that the numbers are not really contract numbers. But I must have seen at least 50 cartons scattered through southern California and Arizona.

At the same time I saw repeated instances of evaporated milk cans bursting. I heard this from a multitude of warehouse managers. They thought it occurred due to rail damage. They pulled such cans from the delivery line.

At the same time you will have a witness later this morning who, I think, will wonder whether this is rail damage. This can [displaying can of evaporated milk] is bulging from both ends. It should, obviously, be pulled out of stock, which is how I obtained it.

When your staff member checked with USDA yesterday, the Department of Agriculture here in Washington did not realize they had bulging cans of orange juice in southern California. I am wondering if the reporting system of USDA is really this sloppy or whether they are trying to conceal some of their bad shipments and are trying to discount their existence so that they will not embarrass the producer.

Here is a can of evaporated milk that has burst. It happened to have started to bulge while I was in the Ventura County (California) warehouse. It burst in my car as I went across the desert, and it smelled to high heaven.

Here is a partially filled can of tomato juice which in the carton was showing signs of rust. I gather that the production of the items does incur—whether it is in public or private distribution—a certain number of failures. But I think the number of failures I saw in the orange juice category and in the evaporated milk category this summer constitute a very questionable food supply.

Damaged Foods Not Reported

The fact that Food and Drug Administration does not know that these things were out in the public and the fact that USDA and Food and Drug Administration did not know of the existence of this, I think is testimony to their nonreporting of damaged goods.

Senator **Percy**. Mr. Choate, when meat products are stored, the label clearly says, "Do not store above 70 degrees," or whatever it may be. "Keep between a certain range of temperature."

Mr. **Choate**. This one says: "Store in a cool, dry place."

Senator **Percy**. Yes. What are the conditions in the storage areas where you have been in very hot climates?

Mr. **Choate**. It was my particular responsibility to look at the far western States, and I do not think I saw a warehouse where the temperature was not over 90 degrees.

Most of these cartons say, "Store in a cool, dry place." Most of the food is not stored in a "cool, dry place."

Senator **Percy**. This committee was taken to the storage depot at East St. Louis. They had merchandise clearly labeled "store in a cool place," and the recommended temperature was given around 70 degrees. It was 105 by our temperature reading in that warehouse. Thank you. Go ahead.

Poor Storage and Warehousing

Mr. **Choate**. We have witnessed counties where food, including cheese, shortening, and cereal grains, are stored at temperatures in excess of 100 degrees. In Farmington, N. Mex., for instance, this observer noted cheese sitting on the floor of an unused construction company garage, waiting at 100 degrees for the recipient, who might be a week or a month away.

In Tuba City, Ariz., the cheese sat uncooled in a warehouse at over 90 degrees. USDA terms such storage conditions "dangerous," as evidenced by exhibit K attached to this testimony, but they persist.

Senator **Percy**. We should make it clear, though, that it is clearly the responsibility of USDA to deliver it to the point of distribution. They bring it in refrigerated cars; and, far as I know, they maintain their standards up to that point.

Mr. **Choate**. Right.

Senator **Percy**. The problem is, that it comes in the refrigerated car, but from the moment it pulls into the station it is not the USDA's responsibility, it is a local responsibility.

We found in East St. Louis that they had to get loaner trucks—moving vans, whatever they could pick up, dump trucks—to go get the food and take it to an inadequate storage place. But USDA says that they have no responsibility at that point.

Our thought is: There are inadequate conditions around the country for the storage of this food.

Mr. CHOATE. The closer food gets to the poor, the more sloppy seems to be the handling.

I did see a warehouse in Bell, Calif., where they made a regular practice of putting all of their cheese, dairy products, and grain products in refrigerated space elsewhere during the summer months. It seemed to be a first-class warehouse with a monumental amount of food. But it was when it started to go out to individual warehouses from the central warehouse that the care seemed to go downhill.

In the southeast your committee staff member found refrigeration of food to prevent spoilage and infestation to be a rarity. He, in fact, did not realize that refrigeration was an expected part of warehousing of commodities until he left the southeast.

Most of the warehouses viewed by this observer had inadequate protection against vermin, rodents, and temperature excesses. The Redlands, Calif., warehouse had a floor too rotten to hold a fork lift.

PACKAGING OF FOODS POORLY DONE

Cartons containing food packages in plastic bags give rise to several complaints. Stacking the cartons causes crushing of the outer carton, which, of course, may burst the plastic bags inside.

We have corresponded with a great number of the baggers and packagers of food for this program and have acquired samples and professional testimony on the quality of these bags. They are generally found to be insufficient. I think you will be getting some expert testimony on that this morning.

We do have also a vast number of paper kraft bags that are used to store grains around the country, and I think there will be some interesting comments on the bug-proofness of these bags.

SERVICING THE COMMODITIES

While some counties seem to have food available almost on demand, other counties seem to delight in keeping warehouses open, perhaps, 4 days per month, closed on Saturdays, closed during the lunch hour, closed after 3 p.m., or just hard to get to.

Some warehouses in Minnesota and South Dakota distribute foods only every other month. Many of the poor have inadequate transportation, so the location of warehouses and of certification centers is very important. In Barstow, Calif., for instance, the warehouse serves the poor in an area 100 miles distant. We would suggest that USDA should provide some reimbursement or gasoline checks for those who must drive more than 10 miles to pick up their food.

I have yet to see a warehouse facility which provides shelter from the sun in summer or the rain or snow in winter for the recipients waiting for their food. I have also witnessed warehouses where the labor conditions were so harsh as to invite a high labor turnover or a sullen attitude toward the recipients.

In Ventura County, Calif., blessed with a milder climate, shopping bags are provided to the recipients to carry their food home, while in nearby San Bernadino the poor must bring their own boxes or not be served.

In Ventura, Calif., and in Hertford County, N.C., recipients are given rainchecks so they can come back for an item that is out of supply when they pick up their food. Yet at that same Ventura warehouse that provides these extra measures of service, the storekeeper chooses not to give out more than half of the meat allotment recommended by USDA, and he goes out of his way to deny recipients any choice of juices or vegetables, even when such choice is available, in stock, and ready for the self-service counter.

It might interest you that in Ventura recipients can pick up vouchers at the direct distribution warehouse, vouchers which the local bread company will honor with free loaves of day-old bread at their factory.

None Know of "Standards of Excellence"

USDA boasts of having 36 State plans of operation, State plans which are supposed to bring those States up to USDA's "standards of excellence." We did not find one county that knew of USDA's "standards of excellence."

I have made quite a study of the contractual procedure entered into by USDA, and it seems notably weak in providing penalty clauses for tardy shipment. We did find many warehouses out of this, that, or the other item. We found, at the same time, that USDA does not have a good record of contract enforcement, particularly in regard to those items highly preferred by the poor, such as cheese, peanut butter, meat, and fruit juices. In fact, USDA behavior, once again, seems to be dictated by what is convenient for the farmer, producer, or shipping company, rather than what is right for the poor. An insight into the low regard with which suppliers hold USDA can be gained from this August 20, 1971, telegram regarding a Mississippi corn sirup manufacturer who was already a month late in delivering the product:

> Vendor states it was necessary for plant to halt USDA production for a few days to meet commercial contracts.

Apparently USDA does not demand performance.

I suggest that Section 416 of the Agricultural Act of 1949 and Section 32 of the Agricultural Act of 1935 need your probing. These are vast sums of money that are supposedly spent for the farmers, but I suspect it is really the producer who benefits, because if an item is coming into surplus supply, that producer of, let's say, that peanut butter, no doubt has already contracted with the farmer at a set price for his peanuts and, in fact, may have them already in their storage warehouses or silos. It is when it starts to come into surplus supply that Section 32 is applied. And I suspect it is then that the Government starts to buy peanut butter, and there is no rebate to the farmer who grew the peanuts.

I think this committee ought to take a very hard look at how these two funds are used—supposedly to help the farmers, but I believe much more accurately to help the producers, the middlemen.

I wonder about USDA's purchases of chopped meat, made primarily of pork tongue, complete with nitrates and nitrites, when canned beef or chicken is much better liked, particularly by children whose protein needs are great. The "chopped meat" is reported almost everywhere to vary in taste from shipment to shipment, and in many areas is considered dog food. Clark County, Nev., is currently having problems with both chopped meat and chicken.

CERTIFICATION FOR THE NEEDY

In some States the rules are clear. The policies are openly stated, and the poor can easily find their way into a direct distribution program. In other States, the counties seem to be left to their own designs as they invent barriers for the poor, despite the so-called State standards.

In Waco, Tex., which is in McClellen County, Congressman Poage's district, Mrs. W. C. Frazier, director of county welfare, will not reveal to outsiders nor to commodity recipients what her certification standards are. She will not talk to pregnant women on Monday, nor give direct distribution foods to a mother on AFDC. We cannot find out under what rules and regulations she makes these decisions.

In that particular county, public assistance beneficiaries greatly outnumber nonpublic assistance beneficiaries 5,355 to 88. You will remember that the national average shows almost equal distribution of public assistance versus nonpublic assistance beneficiaries.

I am particularly concerned, Senators, with lien laws against the poor. In some States there apparently remains a process whereby liens can be placed against capital assets before a family is permitted to be placed on welfare or receive commodities. Such liens, in effect, assign those capital assets, such as homes and automobiles, to a county in return for its welfare beneficence; 20 States apply such liens in connection with old age assistance; 7 in connection with aid to the blind; 12 to the totally disabled; and 15 either directly or indirectly to the AFDC recipients.

In short, a beneficiary, to get public assistance, must deed his estate to the county or State, and not to his children, if he wants that aid.

Exhibit G* is a list supplied by HEW showing the variances in these lien laws.

Of course, you are familiar with income levels for certification. In some counties income limits are set with little awareness of the cost of living. In Arkansas, a family of two cannot have a monthly income exceeding $200 if it wishes to get Government food. In Tennessee, $130. In Delaware, $140. In Texas, $170 for a family of two and $210 for a family of four. You will have a witness from San Diego, Calif., where I think the percent of the poor participating is peculiarly low.

In San Diego, a high-cost area, a family of four cannot make over $292 per month and still receive food. Puerto Rico—and you will have a witness from that Commonwealth—is a horror story all by itself.

National standards—which we hoped were going to correct some of these deficiencies—now appear to be very dubious.

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*See Appendix 1, p. 2173.

KNOWLEDGE OF PROGRAM NOT DISSEMINATED

There is something very peculiar in the way USDA gets the message out to the poor that they can get food from the Government. We are all very aware of the influence of the mass media, television, its advertising processes, the value of public service announcements. I have yet to hear in any county we visited of the use of mass media to advertise the existence of these food programs.

At the same time I do know that in New Mexico and Missouri there are examples where mass media is used to sell the needy on the benefits of the direct distribution program.

Channel 3 in Las Vegas, Nev., is doing a series describing food programs, including the direct distribution program. But the attitude of most direct distribution administrators—in farm counties as well as urban counties—seems to be that word-of-mouth is sufficient to notify the hungry that food can be had from the Federal larder.

Migratory workers are a special group. They obviously need a tremendous amount of attention. Why, if we drive into a rural town in the Midwest, do we see a sign at the entrance to the town saying where the farm labor office is? Why can we not see beneath there a sign saying where food is available for the transient poor?

Interstate accreditation of migrants was spoken of 10 years ago, 8 years ago, 6 years ago, 4 years ago. USDA in its report to this committee says it is still considering it.

Residency laws across the country are harassing migratory workers. In Oklahoma's Tulsa County, Senator Bellmon, the commissioner's assistant, Mrs. Vitace Bovers—and Mrs. Bovers' last name was left out of my written testimony—Mrs. Vitace Bovers attested that public assistance cases all qualified for direct distribution foods, but one would have to be a resident of the State for 6 months and the county for 30 days to get emergency food. She also allowed as how cheese was a little difficult to get at times.

Let me conclude by repeating that the units or portions of the direct distribution foods do not lend themselves to the period in which they are to be consumed. Three pounds of butter for an elderly couple must have refrigeration to last 30 days, or be canned. We seldom saw canned butter.

A 2-pound block of cheese similarly needs refrigeration if it is not to bleed or sweat once it is opened. But how many of those families in those circumstances are going to have that refrigeration? A 2-pound can of peanut butter might last 3 months with careful handling, but a widow with a child must find it frustrating to ration it over this period, to say the least.

The elderly couple gets four cans of meat for a month. Each can thus must stay open and usable for 7 days. Would you eat meat from a can opened 7 days ago? The fruit juice ration has already been noted. Two No. 3 cans are to last the couple 30 days. How is the elderly couple to get their daily supply of vitamin C?

If you have evaporated milk in a refrigerator, surrounded by 100 degree heat, would you trust milk in cans—particularly if you had seen them burst at the warehouse?

Why Not Special Food for Aged?

The aging are known for their marginal food habits. The bad dental conditions frequently found among the poor particularly affect the food selections of the aging. If supplemental foods are in order for infants, cannot we find foods of particular appeal to the aging, and then package such foods for use over extended periods of time?

The containers, the ration units and sizes contribute to the spoilage factor so evident in low-income homes. Rodents and infestation are ever present worries in such areas. USDA packages and sizes should reflect more concern for this aspect and the contents of the packages should reflect more concern for a fully balanced nutrient supply adequate for a full 30-day period for a one- or two-person senior family.

USDA does now give away, without any strings, operating expense funds. Apparently revenue sharing is already upon us. But even despite the fact that USDA made $19.7 million available to the States this year with no strings attached, three States have chosen not to use the funds lest they get fouled up with the Federal Government.

We urge the committee to ask USDA for a list of all the direct distribution counties wherein less than 500 persons or less than 20 percent of the poor, whichever is greater, are being served. USDA's claim that "all but 10 counties have food programs" is not only highly suspect; it is a lie.

I conclude: This recitation of Federal delinquency, this litany of lack of concern, can only be corrected if both the administration and the Congress act. Some problems such as the lien law variations, may need court attention.

This administration in 1969 and 1970 showed a willingness to improve upon the previous administration's sorry record in feeding the poor. But in 1971 the old attitudes seem to be back in control—farmers are more influential than the poor.

It thus falls to this committee to strip bare the paper-thin concern of those who budget food for the poor. It is time to give to USDA the undeniable power to deliver goods and services commensurate with the need of 4 million ill-nourished Americans. It is also time to call for a quarterly accounting of progress made, not only of the dollars expended but of the people served. I am sick and tired of seeing the Department of Agriculture put out reams of paper asking, "Where did the dollars go to?" Why do they not ask, "How many people were served?"

The Family Assistance Plan has a questionable future, I think we can say at this point. Since administrators tend to relax when a program's demise is rumored, and since it is evident that the USDA already has less than full control over the direct distribution program, I think the Congress is called upon to act.

We hope your other witnesses will substantiate the needs and show where improvement might first be made.

Thank you.

PREPARED STATEMENT OF ROBERT B. CHOATE

Mr. Chairman: This testimony relates to the distribution of foods to the poor by the Department of Agriculture. The present Federal effort might best be entitled "The Indirect and Irregular Maldistribution of Highly Limited Foods to the Persistent Poor."

The program is an example of many things: of legislation without legislative history; of myopic Congressional oversight; of Departmental sensitivity to farm economics outweighing concern for suffering Americans; of nutritional malpractice. It also exemplifies the pitfalls of granting Federal goods and funds with almost unlimited local control, while providing little informational feedback whereby the Congress can judge the quality of local decision-making. It is an example of revenue sharing, with ample bureaucratic attention to the handling of funds but not to the best means of feeding the poor.

I compliment the Committee for now examining the Direct Distribution Program. The Committee has previously reviewed the Food Stamp and School Lunch programs, and great strides have been made in improving those programs. The Senate Select Committee on Nutrition and Human Needs has done excellent work. It is particularly blessed by the blending of the expertise of those familiar with agricultural problems and those familiar with poverty problems. More than ever, we need this blend of knowledge to improve what I consider to be the sorry performance of the Direct Distribution Program which now ill-serves nearly 4 million U.S. residents.

Thirty-six states have some Direct Distribution of foods within their borders. The approximately 1200 jurisdictions (primarily counties) delivering foods serve approximately equal numbers of public assistance and non-public assistance recipients. But even this simple statement masks some variances, for some counties forbid Direct Distribution of foods to those on welfare, while others serve ONLY those certified for public support. On the average, it costs the government $7.00 per month to feed each recipient.

The Direct Distribution Program has long suffered under the persistent rumor that it is about to die. It is now time, however, to acknowledge that the political roots of this program will permit it to live on, and that if it lives even one month more it should better serve the American poor. President Nixon's September 9 address to the Congress emphasized in three separate statements his interest in feeding our poor.

Acting as a consultant to the Committee, I have tried to put together, through my staff and others, an evaluation of the program. We have interviewed earnest government workers trying to operate a rational program under a directionless master, and we have interviewed others who seem to delight in raising local barriers to the participation of the poor.

HISTORY

The Direct Distribution of foods was authorized, almost as an afterthought, in 1935 when the Senate and House could not agree on a tariff situation which seemed to have Agricultural implications. The now famous Section 32 of the Agricultural Act of 1935 was conceived and written in Conference. There were no hearings, and the Section has no legislative history. John McCormick, Everett Dirksen, Joe Cannon and Richard Russell were among the authors of this legislation. Section 32 permitted the expenditure of 30% of tariff income for three farm-related purposes—the third of which was to feed the poor.

The weak start and unique legislative origin gave the Secretaries of Agriculture little incentive to meet the nutrient needs of the poor.

In recent years, USDA has made little legislative attempt to improve the lowly priority given to feeding the poor, despite the national clamor for a national policy that would indeed rid our country of hunger "for all time." I am not aware of any bills drafted by USDA to increase their managerial powers over the distribution of food to the poor.

You are aware that we have a vast agricultural system which oversupplies the marketplace. The distribution of foods has served as an overflow device for an overactive agriculture machine. Section 416 of the Agricultural Act of 1949 enables USDA to support weakened commodity prices, and Section 32 of the Agricultural Act of 1935 enables USDA to purchase farm surpluses when they occur. According to Direct Distribution Director Juan Castillo, these two farm activities stock the bin wherefrom spill our bags and cans of food for the poor.

The selection of foods for the Direct Distribution Program is influenced not only by actual overproduction but also by politics, by transportation, by public posturing for economic assistance and by cost—by factors other than the total nutrient needs of the poor.

The nutritional delinquency of the direct food effort is galling when one stops to realize that USDA in the mid-Sixties analysed the nutrient consumption of the public by economic groupings and proved to itself that the poor indeed did have shortages of nutrients in a greater number of categories than did their better-off counterparts.

USDA has persisted from the start in calling the Direct Distribution Program a "supplemental program." This "supplemental" label enables the Department of Agriculture to buy what the farmer needs to sell, rather than what the poor need to consume.

Today we find USDA acknowledging that the poor frequently cannot afford sufficient protein, Vitamin A, calcium or iron, but doing little to ensure that the poor in 1200 counties receive a full month's supply of meat, milk products, juices, vegetables and fruit—the more expensive items found in shorter and shorter supply as a family's income level drops.

USDA further reveals its schizoid personality as it acknowledges the plight of zero-income families in 1800 food stamp counties, but in 1200 direct distribution counties ignores the inability of such families to supplement USDA's meager fare. Such families cannot afford the fruit, vegetables and meats needed to round out USDA's food supplies.

I hope the Select Committee will recommend to legislative committees the necessary amendments to clearly mandate USDA's responsibility to spend Section 416 and Section 32 funds to bring the nutrient and calorie levels of the Direct Distribution program up to 125% of monthly needs. I use that figure in recognition of the fact that undernutrition is documented among the poor and that their storage and handling problems may further deplete an already marginal food supply. A nutrient supply at this level would greatly strengthen the public's health in depressed areas.

As we document below the dozens of flaws in the existing program, I think you will agree that present Direct Distribution practices and the inadequacies of local implementation constitute nutritional malpractice at the Federal, State and local levels. We would like to correct these conditions from top to bottom, but the providing of an adequate nutrient supply is the first order of business.

You will have other witnesses, I understand, who will speak about the quantity and quality of the foods distributed. Please remember to judge the worth of the program by what the poor actually receive, and not by what USDA's publicity department says it offers. There is a formidable difference.

I do not mean to indicate that no one at USDA is concerned. Many loyal workers below the administrative level have deplored for years the offering to the poor of an unbalanced and inadequate food supply. They wince when USDA says it offers a "rounded diet" and 80% of the calories needed. Such employees know that USDA is sometimes guilty of furthering Federally mandated malnutrition, particularly in such places as Puerto Rico.

Beyond these design flaws, there are weaknesses in the pipeline of food to the poor, and huge variations in local commitments to delivering a balanced food package each month.

Despite a projected 1970 Federal expenditure of approximately $282 million, the Direct Distribution of foods has remarkably weak Federal management. The $19.7 million in administrative funds now being given to states "without strings", according to Director Juan del Castillo, provide an insight into the future entrapments of revenue sharing. There must be few Federal programs about which the Federal government has less consumer perspective than the Direct Distribution Program. To hear them talk, USDA's Direct Distribution Directors would appear to bask in the approval of their constituents. They accept the small number of written complaints they receive as proof that they are doing all right.

USDA did, however, hold a conference of Direct Distribution Directors from many states in September of 1970. The followup reports of that Conference made many of the same points I am about to make. USDA has therefore been aware of the shortcomings of this program for at least a year, and probably for several years. Apparently many of these points are of great concern to local Directors in the field. One can only surmise then that USDA needs to be prodded, as they have been prodded before by this Committee, to move to correct their acknowledged weaknesses and failures.

USDA also recently commissioned a management study of the Direct Distribution Program by the A. T. Kearney Company, which made the following recommendations, among others:

> . . . donated foods must not only be sufficient in quantity, they must contain the proper nutrients to provide recipients with an adequate diet. (p. I–2)
>
> Foods tailored to special groups and diets are needed. More items and package sizes are apt to result. Additional processing before foods reach the user may be desirable in order to reduce labor content at preparation sites. (p. I–9)
>
> The fragmentation of distribution responsibilities results in a serious deficiency of central coordination and control. Consequently, the disparity of costs and degrees of effectiveness throughout the system cannot be readily overcome. FNS must act as the leadership force in eliminating the above shortcomings and improving the overall effectiveness and economics of the total distribution system. (p. II–15)

Given this management consultant advice, their own Directors' advice and stimulation from this Committee, we may hope that USDA will renovate this program as it has renovated its other feeding efforts. President Nixon's recent statements would seem to invite that action.

THE FOODS

The calorie allotments under optimum conditions, in those counties delivering all the foods made available by the Secretary of Agriculture, represent less than 80% of need. By USDA's own estimate, 54% may be a more accurate figure, and even this may not take into account the wastage of food which must occur in families without proper refrigeration and without safe storage and perhaps frequently on the move. Nutrients actually delivered at the warehouse door also seem to provide 50–80% of need, according to USDA, but I feel this estimate is optimistic.

Month-long nutrient balance is missing from the foods, particularly in those hundreds of counties delivering only a portion of the foods available. Few counties offer all 26 available foods. Even if a county boasts that it does offer them, it may not actually deliver them to all of their recipients, for reporting techniques permit a county to pretend full service even if only one out of a thousand recipients gets a particular type of food.

Food selection is governed at the Washington level by what the marketplace has in excess supply, not by what the poor need, want or could benefit from.

The packaging of food for distribution fails to recognize the peculiar storage problems of the poor. For instance, how can a single aged man get his daily vitamin C for 30 days from one No. 3 can of fruit juice? How can a widow and child preserve one 2-pound can of peanut butter for three months? How can a couple with two children meet their daily vegetable needs for 30 days from four No. 303 cans of a single vegetable? Sixty jurisdictions out of almost 1200 don't even bother to give out vegetables, according to USDA. 112 don't bother to offer juices. Cheese, generally the most popular single item in the commodity package, is not given out by 133 jurisdictions. Fortified macaroni is denied by over 300.

We all have taste preferences, a fact which USDA and the counties seem to ignore. Pinto beans, for instance, are very popular in the West and Southwest, while being held in disregard by most families in the Southeast. Yet we find over the last several years that pinto beans have often been unavailable in the Southwest; and today we often find them available in the Southeast. The fact that grits are distributed in Massachusetts makes one wonder who's in charge of such decisions.

The monthly supply of fruit juice varies widely. If USDA wants to ship prune juice as a monthly fruit juice item, those families that prefer orange, apple, tomato or grape juice are out of luck. Such families may not take the prune juice, which will remain in the warehouse until such time as the supply is eventually depleted. Although prune juice is a good source of iron, it is of no value while it sits unused. All too frequently, those who participate in the commodity program appear at the warehouse door on the allotted day of the month and are shoved what a Washington farm buyer wants them to have.

We have witnessed counties that know they are running out of an item, perhaps an item critically needed for nutrient balance, yet will not give a "rain check" to recipients to allow them to come back for an item which was out of supply. The reason often given is that the paper work of handling such a system would be "inconvenient" for the county. Thus when Southern California counties were recently alerted that the Bell warehouse was running out of peanut butter (due to sloppy USDA ordering procedures), the poor of San Bernadino were told to "forget it" for their August distribution. Clark County, Nevada, was out of chopped meat, at this same time.

USDA dictates the maximum monthly food allotment is some food categories and recommends allotments for other foods. But each month, counties willing to better serve their poor are permitted to give out bonus amounts of certain foods, *if* the county applied to the State for inclusion in such a program. USDA does nothing to alert counties to this possibility, or to urge them to give out more nearly a full month's supply of foods. Unfortunately, USDA's beneficience in offering bonus foods is usually limited to those foods of which the poor have lesser need. USDA claims this is a nationwide program, but many counties including three counties in Minnesota which my staff visited declared that they were not aware of a bonus food program in their state. Even in states where the bonus food program is used, some counties don't apply for inclusion. In California, for instance, Kern County always accepts the bonus food list, while nearby San Bernadino County has never applied for the extra food.

USDA makes little direct communication with county agencies. We witnessed not one system whereby the poor could express their suggestions to USDA for better program operation, or could alert USDA to missing food items.

The quality of USDA-distributed food is generally good. Infestation of flour and other grains does occur, but the labels I viewed at various warehouses bore recent shipping dates, attesting to the freshness of the product; one of my staff did, however, see 1967 split peas in Clark County, Nevada. Some of your other witnesses can testify to some of the shipping problems involved in transporting grain products. We urge you particularly to scrutinize USDA's purchase practices for peanut butter, as well as the quality of the product. Apparently many major suppliers will not bid on contracts for peanut butter, and delivery schedules are sloppy.

We did witness many broken bags of corn meal, many corroded and bulging cans of orange juice, many broken bottles of corn syrup, and many broken cans of evaporated milk. We heard almost universal complaints on the packaging of these items.

Despite USDA's statements to the contrary, we have found many warehouses reporting that other foods were substituted for the ones they requested. The counties also report a delivery pattern that can only be called erratic.

We welcome the news that USDA realizes that the poor frequently have less spare time than their richer counterparts, and hence need convenience foods. We hope convenience foods will quickly become available under the Direct Distribution program and be of a significant nutritional value to the recipients.

STORAGE AND WAREHOUSING

We have witnessed counties where foods, including cheese, shortening and cereal grains, are stored at temperatures in excess of 100°. In Farmington, New Mexico, for instance, this observer noted cheese sitting on the floor of an unused construction company garage, waiting at 100° for the recipient who might be a week or a month away. In Tuba City, Arizona, the cheese sat uncooled in a warehouse at over 90°. USDA terms such storage conditions "dangerous", but they persist.

In the Southeast, refrigeration of foods to prevent spoilage and infestation seems to be a rarity. A Committee staff member, in fact, did not realize that refrigeration was an expected part of the warehousing of commodity foods until he left the Southeast.

In southern Minnesota, cheese is refrigerated and butter is kept frozen at the warehouse. In Arizona, the heat combined with state penny-pinching until recently begat an official state policy that denied cheese or butter to most of the poor.

Most of the warehouses viewed by this observer had inadequate protection against vermin, rodents and temperature excesses. The Redlands, California, warehouse had a floor too rotten to hold a forklift.

FOOD HANDLING

Some of the food containers are of good quality, but we witnessed repeated failures which would not be condoned by private industry. I will just mention a few of these, as I understand you have witnesses who can testify as to how private enterprise would improve the handling of Direct Distribution foods.

Cartons containing foods packaged in plastic bags give rise to several complaints. Stacking the cartons causes crushing of the outer cartons, which of course may burst the plastic bags inside. Also, opening such cartons with a knife frequently cuts into the containers inside. Frequent complaints are heard about the weak seams to be found on plastic and paper bags. Some warehouses complained that the instant milk packages burst when dropped, either because of weak seams or because of an excess of air in the package.

Evaporated milk cans have a reputation in some parts of the country for bursting with some regularity. The San Diego warehouse today is saddled with corroded orange juice cans. Plastic bags containing prunes, rice or beans often have weak seams. In some areas of the Southwest, corn syrup is called "glue" by the warehousemen. The glass jars often break and the contents ooze throughout the carton and dry into a very rigid paste. A few private companies are using polypropylene containers for many such sweet syrups. Innovative plastic syrup containers could have valuable secondary use to many poor families.

Containers having a secondary use seem unheard of. USDA today packages flour for the poor in Kraft paper bags. Cans that could serve a second purpose as cups or pans and plastic containers useful for bug-free storage are unknown to the Direct Distribution program.

SERVICE

While some counties seem to have food available almost on demand, other counties seem to delight in warehouses open perhaps four days per month, closed on Saturdays, closed during the lunch hour, closed after 3:00 p.m., or just hard to get to. Some warehouses in Minnesota and South Dakota distribute foods only every other month. Many of the poor have inadequate transportation, so the location of warehouses and of certification centers is important. In Barstow, California, for instance, the warehouse serves the poor in an area 100 miles in radius. We would suggest that USDA should provide cash reimbursement or gasoline chits for those who must come more than 10 miles for their foods.

USDA financial support for warehousing, not over $2000 per year or 15% of appraised value, does not recognize the variation that occurs throughout the country, the higher cost of refrigeration space in some areas, or the need for more modern space in some run-down communities. If USDA does have a flexible policy for recognizing these conditions, why then would this observer and a variety of staff members find so many obviously second-rate and inadequate storage facilities for the poor? We do recognize that Senator Percy personally observed some totally unsatisfactory storage conditions within his own state in the past year. Several counties claimed that they received no reimbursement at all for costs of warehousing, while other "demonstration counties" have been receiving total reimbursement for all warehouse and administrative costs for several years. This is hardly an equitable situation. In Cottonwood County, Minnesota, the welfare director estimated that they could double the size of their program if they had the warehouse space to store the additional food such an expansion would involve. This county received no reimbursement for its warehouse expense. Nearby Jackson County, Minnesota, had recently expanded the number of items offered in its distribution program, since they had been able to find a larger warehouse. Boston limits itself to 15 items because of the lack of adequate warehouse space.

I have yet to see a warehouse facility which provides shelter from the sun in summer or the rain or snow in winter for the recipients waiting for their food. I also have witnessed warehouses where the labor conditions were so harsh as to invite a high labor turnover or a sullen attitude toward the recipients.

On-site observations in Georgia by a member of your Committee's staff gave evidence of the disparity of concern for those beset by transportation problems. A recipient in Baker County, Georgia, walked 8 miles to get her foods, then waited all day for transportation home, for which she had to pay $1. Florida's Baker County leans the other way and provides shopping carts to carry foods from the warehouse to the cars.

In Ventura County, California, shopping bags are provided to the recipients to carry their food home, while in nearby San Bernadino the poor must bring their own boxes. In Ventura, California, and in Hertford County, North Carolina, recipients are given rain checks so they can come back for an item that is out of supply when they pick up their foods. Yet at the same Ventura warehouses that provide this service, the storekeeper "chooses" not to give out more than half the meat allotment recommended by USDA and goes out of his way to deny recipients any choice of juices or vegetables, even when such a choice is available in stock. In Ventura the recipients receive vouchers from the local bread company, redeemable for free day-old bread at the bakery.

Most counties distribute some recipes with their commodities, but many go a little further. Some counties serve a food at the warehouse—a dish prepared with commodity foods. This introduces the recipients to new ways to prepare the foods, or perhaps to a way to use a commodity that they have not been taking at all. Amherst, Virginia has such an effort. Clark County, Nevada, and Hertford County, North Carolina both offer cooking lessons to recipients. Mr. Albert Hoppert, director of the Welfare Office in Cottonwood County, Minnesota, had an idea for extending this concept and applying it to the individual family. From the receipt signed by each recipient for his foods, it would be easy to determine which foods a family was NOT taking. A caseworker could then make a home visit and say, "I notice that you have not been using one of the items which we distribute, and I thought you might like to see these ideas for some dishes it could be used for." As they talked, the caseworker would proceed to make up a recipe, using ingredients she had brought with her for that purpose.

Some such personalized assistance appears to be needed, for many families apparently do not know how to make foods using the flour and other grain products which they receive. Some commodity directors suggested the need for a more attractive recipe book, perhaps a loose-leaf type printed on attractive paper with pictures of the finished product to encourage experimentation. In Boston, the poor have published their own recipes.

Several people observed that bulgur was a good product well-liked by those who used it; but most recipients don't take it. They suggested it be given a new and more appealing name.

Counties vary in their approach to advising people of distribution dates. In some counties the dates are fixed and families are expected to remember them. In such counties, the dates may be fixed by an alphabetical system. In other counties, a letter is sent to each family and an advertisement is run in the local newspapers advising recipients of the distribution dates. We even visited one county in North Carolina where the office sends a postcard to recipients who have not yet picked up their foods, advising them that the distribution period will soon be ended for the month. Another North Carolina county turned away an illiterate 70-year-old woman who came in on the wrong day.

Counties are not aware of innovations being made in other areas and seem reluctant to provide outreach. There is a real need for USDA to take the initiative in providing technical advice and assistance in better serving the poor.

The 36 State Plans fail in many cases to adhere to USDA's "Standards of Excellence", a set of standards which had not been seen or heard of by any county we visited.

ORDERING

The ordering procedure for a county in the Western Region was explained to me in California. It defies belief. We have checked the sequence with Mr. Juan del Castillo and his staff at USDA. There was some quibbling over our terminology, but the essence of the ordering seems to be accurate.

A county is asked early in July to guess its food needs for October, November and December. This means the county must crystal-ball the economy ahead, migratory shifts, labor disputes and the vagaries of the poor. This guestimate goes to the local state warehouse, then to the state agency in the state capital, then to USDA's regional office. Here it is combined with other state orders for the region and becomes a multi-state guestimate.

The regional grain, milk and commodity orders—items purchasable under the price support philosophy of Section 416 of the Agricultural Act of 1949—go directly to the central USDA ordering system in Minneapolis. Other items, like fruit juices, vegetables and meats—purchasable under the "surplus" definition of

Section 32 of the Agricultural Act of 1935—go to the USDA offices in Washington, D.C., for consideration, review and selection. These orders too are then sent to Minneapolis for processing and activating.

The Minneapolis office of USDA groups such orders, cancelling some and changing or combining others. It then advertises for bids. It does this with the mentality of "what's good for the farm." After bids are submitted, it contracts for shipment and delivery.

Throughout the guestimate process, starting at the county and going through the state agency and the regional office and then perhaps to Washington before arriving at the USDA Minneapolis office, a peculiar silence is maintained by the public agencies. A county which makes its guestimate almost 3 months before it requires the food generally is kept in the dark as to which foods and how many cases of foods it will actually receive in time for distribution. Counties are notified which foods are to be available only when shipment is made and delivery somewhat certain. Thus we witnessed this past summer warehouses in the West running out of the highly popular peanut butter because of a complicated series of bureaucratic bungles by the region, Washington or Minneapolis, as well as by the shipper in Dawson, Georgia. If the State warehouse had known it was going to be delayed, they could have arranged to get the product from a West Coast shipper, but they had heard nothing about the fate of their order for almost 90 days. The Bell, California, state warehouse now assumes orders will be 30 days late in delivery, and tries to stock accordingly.

The contracts used by USDA seem notably weak in providing penalty clauses for tardy shipment. USDA does not have a good record of contract enforcement, particularly in regard to those items highly preferred by the poor, such as cheese, peanut butter, meat and fruit juices. In fact, USDA behavior once again seems to be dictated by what is convenient for the farmer, producer or shipping company, rather than what is right for the poor. An insight into the low regard with which suppliers hold USDA can be gained from this August 20, 1971, telegram regarding a Mississippi corn syrup manufacturer who was already a month late in delivering the product:

> Vendor states it was necessary for plant to halt USDA production for a few days to meet commercial contracts.

The whole selection process by which Section 32 funds and Section 416 funds are used, the whole process by which the foods are bought, seems replete with favors for industry and devoid of concern for the nutrient balance and taste preferences of the needy. We hope this Committee looks carefully into the philosophy of those who decide what foods shall be bought for the poor and with what regularity they shall be made available to a county warehouse. We hope this Committee will look into USDA's record over the past 3 years in enforcing penalties on those companies which have delivered food tardily or not at all. We believe the ½¢ per hundred weight penalty for delayed grain shipments to be a patent fraud—that would amount to a penalty of less than $7 per day for a whole carload of grain.

We do know of one instance where USDA penalized a shipper of potato flakes. We are much more interested in how frequently the Direct Distribution warehouses have run out of the more popular items, particularly those bought with Section 32 funds.

Last month the *Los Angeles Times* carried a lengthy article on the huge waste in slightly blemished fruit—fruit with excellent nutrient quality but perhaps discolored in one spot on the skin. The Direct Distribution Program rarely provides canned peaches, pears, or plums to the poor, but tons of these fruits are apparently left to rot in the fields because the housewife will not buy fresh fruit with a blemish on the skin. Today 1131 jurisdictions of the Direct Distribution program do not give out peaches. If there is a peach surplus, why cannot such fruits be made available to the poor in cans, particularly since USDA is running a mammoth program to get Americans to recognize the value of having daily fruits and vegetables in their diet.

The dry powdered milk offered by USDA comes in two types—instant and non-instant. Naturally the instant type is greatly preferred, since it tastes better and is easier to reconstitute. Yet the latter is available in many warehouses. When questioned, USDA cited the difference in cost and the delivery schedules—but what of the thousands of youngsters who go without milk because their parents cannot reconstitute the non-instant milk in a manner which is attractive for drinking as well as for cooking. Why is cheese in short supply while milk is overabundant? Is it true that USDA will distribute a cheese spread? If so, why?

The evaporated milk in cans seems to be more popular than either of the dry forms of milk, yet in many warehouses evaporated milk is not available to the poor. In some cases they must take the dry milk in order to obtain some evaporated milk. I believe evaporated milk is bought from Section 32 funds, while dry milk is bought with Section 416 funds.

In some warehouses we witnessed yellow split peas, rather than the more common green type. The commodity director said the recipients would accept and use the green split peas, but would not take the yellow ones. What USDA policy permits the shipment of a product which is not even readily recognizable as split peas? The question remains—who does USDA order for, the recipient or the producer?

I suggest that Section 416 and Section 32 purchasing needs your probing. Does their use benefit the farmer—or is it the producer who benefits? Perhaps legislation is needed to give a higher priority to the food needs of the poor. Perhaps the economic health of farmers and producers should be made secondary to the nutritional health of these families.

We also question why USDA at times favors the purchase of prune juice over, say, the more popular tomato juice, apple juice or orange juice. What drives USDA to purchase an item which is generally held in low regard by the recipients?

Why does USDA distribute cans of a strong-tasting "chopped meat", made primarily of pork tongue complete with nitrates and nitrites, when canned beef or chicken is much better liked, particularly by children, whose protein needs are great? The "chopped meat" is reported to vary in taste from shipment to shipment, and in many areas is considered dog food. Clark County, Nevada is currently having problems with both chopped meat and chicken.

CERTIFICATION

A major problem with all welfare programs is the well-known irregularity in certification procedures.

In some states, the rules are clear, the policies are openly stated and the poor can easily find their way into a Direct Distribution program. In other states, the counties seem to be left to their own designs as they invent barriers for the poor, despite the "State Standards" published by USDA. In Waco, Texas, which is in McClellan County in Congressman Poage's Congressional district, Mrs. W. C. Frazier, Director of County Welfare, will not reveal to outsiders nor to commodity recipients what are her certification standards. She will not talk to pregnant women on Monday, nor give Direct Distribution foods to a mother on AFDC. Public assistance beneficiaries greatly outnumber non-public assistance beneficiaries here, 5355 to 88. In Lubbock County, Texas, public assistance beneficiaries outnumber non-public assistance beneficiaries by 4880 to 118.

Oklahoma's Seminole County takes the cake, however. Recent candidate for Commissioner J. Newt Harber wrote his constituents as follows:

> Dear Voters:
>
> Your commodity program is a service to you by your County Commissioner. Although they are furnished by the Federal Government, No Commissioner Is Required To Handle Them If He Does Not Want To Do So, and in some counties the Commissioners will not distribute them.
>
> To Be Sure that you continue to receive your commodities as you have in the past, Go To The Poles On Tuesday, August 25th, And Vote For J. Newt Harber For County Commissioner Of District No. 2.

In some states, there apparently remains a process whereby liens can be placed against capital assets before a family is permitted to be placed on welfare or receive commodities. Such liens in effect assign those capital assets, such as homes and automobiles, to a county in return for its welfare assistance. Twenty states apply such liens in connection with Old Age Assistance; 7 in connection with aid to the blind; 12 to the totally disabled; and 15 either directly or partially to AFDC recipients. In short, a beneficiary must deed his estate to the county or state—not to his children—if he wants public assistance.

In some counties, income level limits are set with little awareness of the cost of living. In Arkansas, a family of two cannot have a monthly income exceeding $200, if it wishes to get government food. In Tennessee, $130. In Delaware, $140. In Texas, $170 for a family of two and $210 for a family of four. In San Diego, California, a high cost area, a family of four cannot make over $292 per month and still receive food. In New Mexico, where welfare grants never exceed $200 per month, regardless of family size, a marginally employed family of 8 in one on the three counties having a direct distribution program can only qualify for food assistance if the family income is less than $345. Puerto Rico, as an upcoming witness will testify, is a horror story all by itself.

Nevada acknowledges a Federal AFDC Standard of $300 for a family of four, but grants only $150 of it. Clark County, Nevada, adds a voucher good for food or rent, worth 20% of the delinquency—$30. The public assistance poor then are advised to pick up Direct Distribution foods worth $28. The family thus exists on $208 in total benefits from the State, while our Government acknowledges that they need at least $300.

We also have evidence of an aging couple in Hancock County, Kentucky, having to reject social security increases to remain eligible for Direct Distribution, yet this Committee is certainly aware of how marginal are some Social Security payments for the aging. In some Virginia counties recipients are required to register at the employment office prior to certification for food.

I bring up these long-known sore points of certification for food assistance only to underscore how little USDA has done to set minimum standards to which counties offering food must adhere. It seems to this observer that USDA should want the same degree of authority, the same degree of responsibility for making its food programs deliver the goods as it has to make its farm policies effective. USDA allows local farmers a much greater hand in the control of farm policies than it allows the recipients of commodity foods. USDA in the agricultural stabilization program seems to believe local farmer groups should shape and implement farm policies. Why should USDA change this philosophy when it comes to food for the poor?

National standards may soon be proposed for the Direct Distribution program—but the vigor with which they are pursued is the only measure of their value. Many of the Direct Distribution jurisdictions have strong farmer constituencies which can defy even the best USDA distribution efforts for the poor. Why not put restraints on farm aid to such jurisdictions, including farm subsidies, until the Direct Distribution programs serve at least 75% of the poor? Linkage of these two forms of subsidy would show that USDA means business.

The new food stamp amendments are paving the way for USDA to better direct the distribution of commodity foods. One hopes, since the food larder of the United States Government is still full, that the new Direct Distribution standards will invite outreach and innovation and establish a strong floor of expected performance beneath which counties dare not perform lest they lose other USDA-granted benefits.

It is most regrettable that USDA still has to be pushed into serving the poor. I welcome the rumor that USDA will announce national standards for the Direct Distribution program, but in view of their child feeding deceits of this past summer, I do not trust their commitment. Why must they wait until January of 1972?

This Committee may have the power to obtain from the U.S. Census the scandalously delayed county-by-county poverty statistics. Every day new forms of census data are published, but the nose-count of the poor on a county-by-county basis seems to be held back. I propose that this Committee ask for a quarterly accounting by USDA of the percent of the poor served in every county where it has a food program—either food stamps or direct distribution.

PUBLICITY

There is something curious in USDA's avoidance of mass media messages. We have met with enough station managers to discuss social issues to know that food program advertisements—what they are, how to make an application, who is eligible—could be aired to populations in perhaps half the Direct Distribution jurisdictions. USDA does use such mass media messages in improving the marketing of foods; we have not, however, heard of USDA using the media for the Direct Distribution program in a single jurisdiction we have visited. Yet television and radio messages are used to advertise the blessings of social security and the need for measles shots. When I came to the District of Columbia in 1966, I heard an advertisement on the radio, which has also been used since then, for food help. It started with the sound of a baby crying, then the soft voice of an announcer asking, "Does your child cry all night? Could it be hungry? If you are having trouble getting enough food, call this number and we will try to assist you." This message alerted me to the existence of hunger in the District, and it must have also helped families short of food to know where to turn for aid. Why shouldn't such messages be used to verify President Nixon's commitment to "eliminate hunger in America itself for all time."

New Mexico and Missouri are further examples of states where mass media is used to "sell" the needy on the benefits of the Direct Distribution program. Channel 3 in Las Vegas is doing a series describing various food programs, including the Direct Distribution program. But the attitude of most Direct Distribution administrators—in farm counties as well as in urban counties—seems to be that word of mouth is sufficient to notify the hungry that food can be had from the Federal larder.

MIGRATORY WORKERS

Migratory workers particularly need compassionate outreach efforts. They cannot await red tape. They need to be able to find certification offices as easily as they can find the farm labor offices. In traveling in agricultural areas, one notices outside every population center a sign indicating the location of the farm labor office. We need an equivalent service for migrants seeking food assistance.

Migrants also need evening application hours and evening hours for obtaining their foods, lest they lose what work is available. Migrants must somehow be permitted to escape the present system where employers certify their recent income, a policy which puts them at the mercy of sporadic employers who are disinclined to worry about how their recent laborers find their next meal.

In Arkansas, we have stories of social security deducted from paychecks but never turned in to the Government, and stories of employers falsifying workers' wages (upward) to deny them public health benefits at their next job location. Loans from such employers in Minnesota seem to be deemed income and are used to deny families food assistance.

Interstate accreditation would help such migrants. If the farm labor offices can be efficient in finding jobs for migrants, cannot they be equally efficient in accrediting low income families for food help when the dollars are running low?

The income of such families cannot and should not be anticipated. Yet we have reports that future income *is* a reason for denying families food. This is of particular concern to those interested in the Direct Distribution program, for many agricultural areas prefer Direct Distribution to Food Stamps.

In earlier times, farmers would not have dreamed of sending a plowhorse out to work without food, yet that simple rationality is often not extended to today's migrant workers, who find food supplies denied to them by agricultural constituencies.

Residency laws are still harrassing such migratory workers. In Oklahoma's Tulsa County, the Commissioner's assistant Mrs. Vitace Bogert attested that public assistance cases all qualified for Direct Distribution foods, but one would have to be a resident of the state for 6 months and of the county for 30 days to get emergency foods. She also allowed as how cheese was "a little difficult to get" at times.

Bilingual food workers and bilingual labels would seem to be an efficient way to communicate with the migrant workers, yet few counties seem to employ any bilingual staff.

THE AGED

Many of those ill-served by the Direct Distribution program are over 65. This may be inherent in the bulk delivery of foods. Those persons familiar with the retail purchases of the aging note their propensity for numerous small purchases—sometimes daily—rather than stocking the larder once a week or once a month. But the Direct Distribution program seems to lean over backwards to be inconvenient and antagonistic to the elderly person's habits.

Most warehouses permit once-per-month food pickup. The elderly couple then is expected to pick up 70–80 pounds of food. Most warehouses we visited look dimly on carrying such weighty packages for the aging to their form of transportation. Those workers interviewed in such warehouses said they sometimes took food to housebound elderly, but one gathered it was a disorganized and perhaps occasional effort.

Parenthetically, we might note here the almost universal comment on the quality of the automobiles that come to pick up Direct Distribution foods. Time after time we have heard of the number of welfare Cadillacs which arrive at the warehouse door. Few people realize that such quality cars show up when volunteers drive their less fortunate neighbors and relatives to the warehouse to pick up their monthly foods. The next time this Committee hears a witness decry the Cadillac loafers who feed from the Federal trough, the Committee might rejoin by asking when was the last time the commentator drove a disabled neighbor to get her food supply.

The units or portions of the Direct Distribution foods do not lend themselves to the period in which they are to be consumed. Three pounds of butter for an elderly couple must have refrigeration to last 30 days, or be canned. We rarely saw canned butter. A two-pound block of cheese similarly needs refrigeration if it is not to "bleed or sweat" once it is opened. A two-pound can of peanut butter might last 3 months with careful handling, but a widow with a child must find it frustrating to ration it over this period, to say the least.

The elderly couple gets 4 cans of meat for a month. Each can thus must stay open and usable for 7 days. Would you eat meat from a can opened seven days ago? The fruit juice ration has already been noted. Two No. 3 cans are to last the couple 30 days. How? USDA admits that fruit juice is quickly consumed once opened. How then is the elderly couple to get a daily supply of vitamin C? Four cans of evaporated milk are supposed to stretch for 30 days. Would you use 7-day-old milk, if your rickety refrigerator found itself outmatched by 100° summer heat?

What happens to nutritional balance when such foods spoil? What happens when the local warehouse runs out—the almost universal complaint.

The aging, even those with money, are known for their marginal food habits. The bad dental conditions frequently found among the poor particularly affect the food selections of the aging. If supplemental foods are in order for infants, cannot we find foods of particular appeal to the aging—and then package such foods for use over extended periods of time?

The containers, the ration units and sizes contribute to the spoilage factor so evident in low income homes. Rodents and infestation are ever-present worries in such areas. USDA packages and sizes should reflect more concern for this aspect. and the contents of the packages should reflect more concern for a fully balanced nutrient supply adequate for a full 30-day period for a 1- or 2-person senior family.

OPERATING EXPENSE FUNDS

Last year, $19.7 million was made available by the Food and Nutrition Service of USDA to assist states in extending and improving the Direct Distribution program. A few strings were attached. As a result, USDA tells us, $5 million was not used. This year there are no strings. Revenue sharing is apparently upon us, yet three states have not signed up for this year's operating expense funds. Adams County, the site of Gettysburg, is a sufficient embarrassment to Pennsylvania to cause that state to have held back on applying for these "no strings" funds. I understand Adams County reluctantly joined the Food Stamp program last week.

Even with the remaining $14.7 million in assistance to expand and improve the Direct Distribution effort, we found endless counties claiming poverty as the reason for the poor condition of their warehouses, or for their restricted personnel, for their limited number of hours of operation, and for the rather poor location of their centers. When a county as rich as San Bernadino can get a $250,000 grant from the Food and Nutrition Service and still have a single warehouse that serves a 100-mile radius, something is missing from USDA's effort.

We urge the Committee to ask USDA for a list of all the Direct Distribution counties wherein less than 500 persons, or less than 20% of the poor—whichever is greater—is being served. USDA's claim that "all but 10 counties have food programs" is highly suspect.

CONCLUSION

This recitation of Federal delinquency—this litany of lack of concern—can only be corrected if both the Administration and the Congress act. Some problems, such as the lien-law variations, may warrant court attention.

The Administration in 1969 and 1970 showed a willingness to improve upon the previous Administration's sorry record in feeding the poor. But in 1971 the old attitudes seem to be back in control—farmers are more influential than the poor.

It thus falls to this Committee to strip bare the paper-thin concern of those who budget food for the poor. It is time to give to USDA the undeniable power to deliver goods and services commensurate with the need of 4 million ill-nourished Americans. It is also time to call for a quarterly accounting of progress made.

The Family Assistance Plan has a questionable future. Since Administrators tend to relax when a program's demise is rumored, and since it is evident that the USDA already has less than full control over the Direct Distribution program, the Congress is called upon to act.

We hope your other witnesses will substantiate this need and show how improvement might be made.

Senator Percy. Thank you very much, Mr. Choate. I have several questions, but I would like to yield first to my colleague, Senator Cook.

Senator Cook. It is going to be difficult for me to refer to you as "Mr. Choate," Bob.

Mr. Choate. You and I have seen some commodity counties together.

Senator Cook. Yes, we have.

I was interested in Senator Percy's remarks during the course of your discussion that USDA takes the position that its responsibility is to get foods out of the refrigerated cars and get them to the local community, and then it is the local community's responsibility.

Senator Percy. I do not think it is their responsibility to get it out of the car, is it? I think the local community has to pick it up at the car, if I am not mistaken.

Vagarities in Rules Negate Law

Senator Cook. I think the point I would like to discuss with you is that the Federal Government now gives funds, and the Federal Government now gives what commodity food it does distribute, but the real gap is between the time that it is put on that car and the time it goes to a recipient. In other words, at that stage of the game is where the whole program, which was designed to help the poor, totally and completely breaks down.

You and I know, for instance, that we have gone to various counties in the same State of Texas where, as soon as the crops were ready to be harvested, surplus food centers closed. Their rules and regulations provided that there was work enough for everybody, and from then on, beginning with the first crop in the spring until fall, all food distribution centers were closed.

You and I have gone through one county in the Middle West where you could not get surplus food if you had a dog. So apparently you had to eat the dog first and then you could apply for commodity food.

This brought up the tremendous discussion we had 1½ years ago about informal rules and regulations. What you are really saying then is: Even though that became a part of the law, it has not been put into operation by the USDA. Is that what you are really saying?

Mr. Choate. Absolutely.

I would only debate with you whether the failure of the program starts as it leaves that boxcar at the local county level. I think the ordering process is so peculiar that when a county guesstimates 90 days ahead of time how many people it is going to need to serve, and then is kept in the dark for 90 days as to whether indeed that food order is going to be honored and where it is going to come from and upon what date it might arrive, and in what condition—I think that, too, is part of the failure of the delivery system.

But you are dead right. All over America, I think, perhaps in a thousand of our 3,000 counties, hostile Americans, hostile to their poor, their poor neighbors, seem to look the other way when they see warehouse conditions, food conditions, certification conditions, and the closing down of services conditions, which obviously are needed by a great percentage of the poor who cannot help themselves.

Senator Cook. I cannot help but totally agree with you, because here is an individual who is in charge of a distribution program who sees to it that a recipient must qualify and meet certain standards, and if they do not qualify and meet those standards, then they will deny them. They deny them sometimes for political reasons, as Senator Bellmon has said. They put them on sometimes for political reasons.

And yet there is no requirement that they have to meet, basically, except as stated on the back of your report: that the optimum temperature for certain things should be at certain levels. The U.S. Department of Agriculture has offices all over the United States and there is no standard, there is no requirement, there is no statement of efficiency that has to be filed by a local agency that certain materials and certain food products are kept under certain temperature standards. It is more or less a situation of doing as you please with it.

What you are really saying is that the regulations, as such, must apply all the way from the top right down to the bottom, that certification has to be made periodically at local distribution centers as to how they are maintaining their food, under what circumstances they are maintaining it, and then as far as the records are concerned—because it is Federal money, a participating factor, because it is Federal-distributed food—that the Public Information Act should apply and that all these records should be made available to the general public—because the Federal Government is deeply involved.

From a legislative standpoint, that is what you are talking about, is it not?

Mr. Choate. Senator Cook, I think that we may have an opportunity right ahead of us to move into this. The U.S. Census Bureau is highly delinquent in publishing county-by-county levels of the poor by which we can judge USDA performance. I think it is high time that we started to publish records of how many dollar subsidies from USDA go into various counties, and what percentage of the poor are served by other programs in those same counties.

Need Quarterly Accounting From USDA

Congressman Paul Findley did a beautiful job on this about 4 or 5 years ago when he started to look into farm payments, farm subsidies. I think you, in this committee, should ask for a quarterly accounting from USDA, county-by-county, of the number of people served.

I think you should demand of USDA some suggestion-box system whereby the poor can tell USDA when some of their cans are bulging. Apparently the Federal Government with offices in practically every county of the United States, cannot find out they have bulging cans of food.

Now bulging orange juice, I realize, is not as dangerous as bulging Bon Vivant or Campbell soup. Botulism is very, very hard to find in such an acid medium as orange juice. But at the same time there is something drastically wrong, not only with that product, but with the process which produced it, and there is no telling what went into such cans on the assembly line the day after this orange juice went in.

I suspect that your committee and the ones that can initiate legislation, with the support of the agriculture committee members who sit on his committee, are going to have to initiate the mandatory powers which USDA then can exercise to deliver the good foods to the poor.

Senator COOK. Thank you, Mr. Chairman.

Senator PERCY. Thank you, Senator Cook.

Senator Bellmon?

Senator BELLMON. Thank you, Mr. Chairman.

Mr. Choate, I have been fascinated by your testimony, and I am curious to know, as a result of the work you have done, what your conclusion is. Do you recommend that the Congress undertake to clean up and improve the commodity distribution program? Or do you feel it should be replaced with a Food Stamp Program?

Mr. CHOATE. I think that there are conditions now attached to the Food Stamp Program which make it of dubious value to some people. Just the other day we saw USDA proposing regulations apparently as a result of Mr. Jamie Whitten and Robert Poage's putting their heads together in the House, regulations whereby if you expended food stamps and are due some change—you used to be able to get 49 cents in change in actual hard cash—no hard cash even up to the 49-cent level can be given.

There are some other conditions attached to the Food Stamp Program which I think make it of less attraction than it could be.

I suspect overall I prefer food stamps to commodities.

I think in a great many parts of the United States direct distribution, if it is properly operated, could provide a very good service, and I think because of the political origins of this program, it is pretty realistic to think of it staying around.

So I would say clean it up, and recognize that the family assistance plan is not going to bail you out for another 4 or 5 years.

Senator BELLMON. Do you feel the county or State should have a choice between commodity and food stamps? Or should both programs be operated simultaneously?

Mr. CHOATE. Right now the regulations say that if a county jurisdiction wants to run both programs, it can, as long as it picks up the cost of running the program.

DUAL PROGRAMS OPERATED IN SAN DIEGO COUNTY

You will have a witness, Mr. McCullough from San Diego, who runs a very interesting program. Apparently the county supervisors of that rather conservative county are willing to run both programs.

I would like to see 10 or 20 counties on dual programs before I really answer you.

Take Maricopa County, Ariz. Here you have Phoenix, this huge city, right in the middle of it. And then an awful lot of the rest of the county is highly rural. I think there are things to be said for having depots where food can be picked up and, at the same time, using the private enterprise system. Mr. McCullough, from San Diego, wants to put in food stamps for the fresh produce, fresh milk and fresh meat, and use the commodity system through nonprofit outlets to get rid of the surpluses. I think it is kind of an intriguing idea.

Senator Bellmon. You have said there are some areas in which the commodity program might work better than food stamps. Why do you feel that food stamps would not serve in those areas?

Mr. Choate. I was on an Indian reservation about 6 weeks ago talking to the trading post manager, who happens to also run the direct distribution warehouse. He said, "We have what is called give-away Tuesday, and they come in their pickup trucks and load up and go out. I sure wish that they would have food stamps because then they would spend them here." And it is perfectly true that they would spend them there because he was the only food source other than the commodity warehouse within about 50 miles. It is doubtful that food stamps would improve the nutrient supply there.

It is ironic that the Department of Agriculture is negotiating or contracting with this trading post operator when there is a federally financed Indian boarding school 2 miles down the road with modern buildings, a modern structure, with a lot better warehouse than the trading post operator had.

I think there are some places and there are some people who would benefit from a balanced direct distribution food supply, with convenience foods in containers the right size. Because of their infirmities, their inability to get to the store, their inability to prepare foods that are not quite convenient, they would obtain less in the private enterprise marketplace.

Senator Bellmon. Mr. Choate, this may sound a little controversial—I do not intend it to be—but I think you have reached the wrong conclusion when you came to the conclusion that farmers favor programs that damage the poor.

You have said under your conclusion on page 26 that "farmers are more influential than the poor." I think farmers, which, at the present time, are required by the Federal Government to keep 50 or 60 million acres of their land idle, would be very happy to see every person in the country have 5,000 calories a day. I wonder how you come to the conclusion that farmers, in some way or other, are fighting to keep the poor people from being fed?

Mr. Choate. In all too many of the rural counties that we have visited—and I will put this over a 3-year period because I have been working on hunger since 1967—I find the perhaps inherent conservatism that is attendant to an agricultural base seems to produce a greater degree of hostility, or more frequent hostility to the "no-good" poor in their midst.

Farm Lobbies Stronger Than Needy Organizations

I am not really condemning farmers. I think that farmers have an obviously stronger political base than the poor. They have their trade organizations that speak very well to this Congress.

I do know my staff interviewed somebody in a county this summer in which a group of farmers or citizens were sitting in the city square criticizing the poor for picking up those giveaway foods, and it turned out that these were three farmers who were able to sit in the city square because they were all getting a farm subsidy and, hence, not farming that land.

Senator BELLMON. Just a minute. There are no such farm subsidies. There are no payments to farmers for not farming. This is a mistake that a lot of people make. The soil bank has been closed for at least 5 years. There is no way, at the present time, that a farmer can turn land over to the Government and sit in a city square and not farm his land. Your investigator is dead wrong.

It could be that these farmers are retired; they may have rented their land, or something like this. But the Government is not paying farmers not to farm.

They do require farmers to keep a portion of their land nonproductive in order to keep from building up the big surpluses that gave us so much trouble back in the 1950's and 1960's.

Mr. CHOATE. They do?

Senator BELLMON. Yes, they do.

Mr. CHOATE. They do have a program of keeping land unproductive, though.

Senator BELLMON. A share of each farmer's land must be kept nonproductive in order that a farmer not build up the surpluses.

Mr. CHOATE. Therefore, if the farmer has a 500-acre piece and 200 acres are taken out of production, he might let his neighbor farm that remaining 300 rather than each invest in the total amount of equipment necessary to farm?

Senator BELLMON. If the man farms the 300 acres, he gets the payment on the 200 acres, although your figure is way out of balance.

Mr. CHOATE. But it could be a rental.

Senator BELLMON. Anyone can rent his property. Even somebody from the city. But a farmer is not paid by the Government to not farm. This is a very serious mistake a lot of city people make.

Mr. CHOATE. Senator, I spent 10 years in Arizona in the midst of the cotton patches. I have spent a good deal of my time observing ranches in California. I have seen the Soil Bank in operation. If the present regulations have been changed so that nobody is literally being paid to not farm at all, then that is news, and I am very interested to hear that. I believe Soil Bank contracts still exist.

I think I am hearing correctly, though, from our staff members that there are people who, under some sort of Federal financing, now cannot farm or can have their land perhaps produce less.

Senator BELLMON. I am not sure what your staff has told you, but there is no Federal program that allows a farmer to turn over his land

and sit in the city square. There was a Soil Bank for a period of time back through the 1950's and the early 1960's, but that has not been in operation for at least 5, and I think more, years.

One other thing I would like to get to here—you have been critical in your statement of the USDA. I am not trying to defend them at all but it seems to me that a lot of problems we have are not necessarily with the USDA, but with the Congress. We give the USDA a charge to do something and then we cut back on the money. It makes it impossible for them to do their job. You find this or not?

Is USDA's Budget Adequate?

What I am asking you is: Is the budget adequate?

Mr. Choate. I think that from past work with this committee I would agree with you. I think one of the original hangups, if one can be blunt, is the fact that here we were dealing basically with the poor and yet the Food Stamp Program, the Food Distribution Program, the School Lunch Program, are heard by agricultural committees. There is some evidence in the House of Representatives, on the other side of the Hill, that the School Lunch Program receives better attention because it is heard by a nonagricultural committee. It is heard by one very familiar with labor and poverty.

We suggested many long years ago that the Reorganization Act of 1946, which suggested to this Senate that the School Lunch Program be shifted to the Senate Committee on Labor and Public Welfare, be honored; but we have not been able to persuade enough Senators to make that transfer.

Senator Bellmon. Let's remember it is not the Senate Committee on Agriculture that appropriates the money. The agriculture committee has nothing to do with this function.

Mr. Choate. The Senate Committee on Agriculture, like the House Committee on Agriculture, has a very powerful voice within USDA. And when you see administrators like Howard Davis running these food programs—not really in the interests of the poor—one can surmise that part of that is executive bureaucracy, and part of it is listening to voices from the Hill.

Senator Bellmon. My question to you was: Have you found in your studies that the USDA's budget is adequate or inadequate for this program?

Mr. Choate. How do I feel about the budget of this program in giving away foods? We do have the figure that roughly $282 million worth of foods are going to be given away this year, and that amounts to roughly $7 per recipient per month. But the whole setup masks the real need. The poor are an overflow device to consume the foods that are produced in excess.

Senator Bellmon. Again, I question that. You talk about excess food. Now meats are not in excess in this country, yet the program does include very substantial quantities of meat.

Mr. Choate. That is an observation directly from Juan Castillo, who operates the Direct Distribution Program.

The two sources of money for the program are Section 416 of the Agricultural Act of 1949 and Section 32 of the Agricultural Act of 1935. Its primary purpose—the first two purposes listed in Handbook 385, as I remember, are to care for the farmer and his economics, and only thirdly to pay attention to the needs of the poor.

Senator **Bellmon**. But, for instance, orange juice is not a surplus commodity, and neither are beans.

Mr. **Choate**. Orange juice is bought under Section 32 when it comes into surplus supply. Section 416 is primarily for grain products and, in effect, is price-support mechanism.

No Definition of a Surplus Food

Section 32 is a much more political decision. It is the decision made by people who listen to screams of orange producers or apricot producers, or bean producers. It is a pot of money derived from 30 percent of the tariffs collected the previous calendar year which the Secretary of Agriculture is enabled to spend to take care of surplus foods. And there is no really tight definition of what is a "surplus food."

This is another reason why I raise the point about peanuts and peanut butter. I suspect that some of the surplus lies in the warehouses of the peanut butter manufacturers and not in the fields of the peanut growers. I think this committee might take a very hard look at this. If this is to be a benefit to farmers, let's benefit farmers; let's not benefit the middleman.

Senator **Percy**. I think this line of inquiry has been extremely helpful. Certainly the orange juice is an example of the crassness of this program. It is not designed at all to provide something that is essential for the prevention of malnutrition. It is just designed to get rid of the product which is in surplus. That is why, only on rare occasions, do we then buy and provide orange juice through our benevolence to the poor; and not just to help the poor. They need it year-around, not just at the times it is necessary to sop up that excess surplus crop.

I think also we should point out very clearly—and Senator Bellmon I think has been very wise to point it out—that it is very easy for us to sit and malign the USDA in Congress. They get their share. Every agency should. It is part of our responsibility. But much of this program comes right from the Congress of the United States, and it is crass, hardbitten politics, not humanity, that is involved in this.

Politicians Using Program

Let me just give an example; I think this would put a Cook County politician to shame. The Better Government Association, year after year, has pointed out that precinct captains in the Cook County machine use our public welfare crassly in order to get votes. But the subtlety of their approach—the finesse with which they do it, the quiet word, the telephone calls—is one thing; no one would be so stupid as to put it in writing. But in Seminole, Okla., of all places, was found a letter dated August 23d on behalf of the county commissioner who was apparently running for reelection, and whose election day was 2 days hence. It is not addressed "dear hungry citizen," it says:

> Dear voter. Your commodity program is a service to you by your County Commissioner. Although they are furnished by the Federal Government, no Commissioner is required to handle them if he does not want to do so. And in some counties the Commissioner will not distribute them. To be sure that you continue to receive your commodities as you have in the past, go to the poles (sic) on Tuesday, August 25th, and vote for J. Newt Harber for County Commissioner of District No. 2.

I think the political machines in Cook County ought to ask him to come out there and find out how he does it, and how he can get away with that crass, brazen use of political power that he has as a county commissioner. It is signed on his behalf by Hazel Longacre, whomever she may be.

Senator Cook. Mr. Chairman, I think Senator Bellmon ought to receive a great deal of credit for turning that letter over to the committee, and also for turning it over to the Federal Bureau of Investigation and to the USDA.

I am sorry I was absent for a minute, Mr. Choate, but it seems to me the real answer to Senator Bellmon's question about "do they have adequate funds for this?" the real answer to that is, "No." The real answer to that, in substance, is that it should be rewritten so that the USDA has control of the distribution program from top to bottom. It should be rewritten to give them adequate funds to see to it that local agencies are operated on a 5-day week; that records are kept according to their standards; and, that the infusion of Federal funds will see to it that the products they have available are distributed equitably, legally, under the law. And, that the control is there; and that the finances to exact that control are vested in the USDA, so that we do not see that a program breaks down just before it gets to the voter—just before it gets to the recipient—to the extent that a director can run it as he or she pleases. Use it as he or she deems necessary, and sets rules and regulations as a local official deems convenient for himself.

That seems to me to be the answer to what we are really talking about.

Senator Percy. We have a very important panel next. Mr. Choate will be back next week so I wonder if we could draw this to a close as quickly as possible.

Senator Bellmon. May I make one comment on the letter?

Senator Percy. Yes; we are grateful for your putting it in the record—and I understand your indignation about it.

Senator Bellmon. This is a very typical situation. In our State—and I am sure it is true in other States—our county commissioners do pass on the cost of distributing the commodities. And in many, many counties, the county commissioner stands there on commodity Thursday and hands every package to every recipient as they come through the line, and many of them will admit this is their major way of staying in office.

I think it is a great tragedy that the Federal Government has allowed or actually caused this kind of situation to arise.

I might say this information was given to FBI and the USDA, and that the man is not breaking the law at the present time.

Mr. CHOATE. Let me take 15 seconds.

I would like to introduce exhibit L,* which is a list of the costs to the Federal Government of each of the foods made available through this program.

I would like to introduce exhibit M,* which is a typical request for guesstimates to counties by the San Francisco USDA regional office.

I would also point out, in conclusion, a family of four on the Food Stamp Program with no money, gets $106 worth of stamps per month. The family of four with no money under the Food Distribution Program gets food worth $28 from the Federal Government. That is one of the problems, too.

Senator PERCY. Thank you very much, Mr. Choate. We look forward to seeing you back next week.

I would like to call a panel of three witnesses: Mr. Manning, Mrs. Weiner, and Miss Peppard.

While they are coming forward, I was asked to read a very short statement of introduction from our colleague Ed Brooke.

PREPARED STATEMENT OF SENATOR BROOKE

I wish that I could be here personally to welcome the next three witnesses. However, the death of our distinguished colleague, Senator Winston S. Prouty, and the necessity of my attendance at his funeral has made this impossible.

These three witnesses—Mr. Manning, Mrs. Weiner, and Mrs. Peppard—come well qualified to talk on the participation of the elderly in the commodity distribution program in Massachusetts. For some time I have been deeply concerned with the food distribution programs. In Massachusetts, where considerable progress is being made in many areas and where the education programs and the participation in the school lunch programs are considered exemplary for the rest of the nation, our record for participation in the food stamp and commodity distribution programs under the Department of Agriculture has been less than adequate. With the increase in need due to rising unemployment, the focus being placed upon the administration of these programs at the State level is welcome and should be helpful.

The elderly have unique problems in regard to food distribution. The difficulties in reaching distribution centers, the large quantities given at each distribution time and the infrequency of hours make participation difficult. As a member of the Senate Select Committee on the Aging, I am particularly aware of the needs and requirements in this area.

The witnesses you are about to hear can provide many useful insights into both the problems and their proposed solutions. It, therefore, gives me great pleasure to present to you Mr. Frank Manning, the able President of the Legislative Council for Older Americans, Incorporated, in Massachusetts; Mrs. Gertrude Weiner, the managing attorney for the Boston Legal Assistance program; and Miss Rita Peppard, a Vista volunteer.

We welcome you very much indeed, and I am sorry Senator Brooke cannot be here.

Mrs. PEPPARD. Thank you very much. However, in deference to my husband, my children and my grandchildren, I am a "Mrs." It would be one heck of a shock for 10 grandchildren to find out their grandmother is not married.

Senator PERCY. As a grandfather, I appreciate your comment.

Would you go right ahead just as you see fit.

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*See Appendix 1, pp. 2177–2178.

STATEMENT OF MR. FRANK MANNING, PRESIDENT, LEGISLATIVE COUNCIL FOR OLDER AMERICANS, INC., MASSACHUSETTS

Mr. MANNING. Yes, Senator. I would like to preface my brief remarks with the feeling that I have about the plight of the older citizens in this country.

I think there is a great tragedy unfolding before our eyes that very few of us are seeing. The publications of the Special Committee on Aging and various other Senate documents abundantly testify to the fact that many of my older compatriots are in dire need. And yet, thus far, nothing fundamental seems to be on the horizon to meet the situation.

The surplus food program does do some good among the elderly, and I do not like to be negative, but the questions of its total applicability to older people is a very serious one.

I will not repeat, I would rather corroborate what your consultant has said about the lack of cooking facilities. And nationally, about 14 percent of our senior citizens live in lodging houses with limited housekeeping facilities, and do not have the facilities—as was so well pointed out—to handle some of these staples.

PACKAGE WEIGHT CAUSES DIFFICULTIES

Moreover, the very difficulty of carrying this package which, on those occasions when all of the commodities are in it, is about 25 pounds—if you can envision a senior citizen, perhaps one who may have some partial disability, traveling by bus to a different section of the city than where he or she lives, in order to pick the a 25-pound package of food, to bring it home perhaps to quarters where there is neither adequate refrigeration or cooking facilities—it seems to me that our organization was formed in the belief that someone had to take care of the problems of the elderly as they related to legislation.

Sometimes I have a horrible nightmare that the Congress of the United States, the President of the United States, and the people of the United States are committed to the belief that we shall be eternally poor and that we must be surrounded by a proliferation of ameliorated programs.

Sometimes I have the feeling that I am in a leaking boat and everybody is bailing out and nobody is fixing the leak.

We have 25 Vista volunteers in the field—of which Mrs. Peppard is one—who visit retired people in our community who are poor. We use the voting list to the age. We also visit those who are not poor, in the hope of enlisting them in the struggle to help those who are poor. But every day we find elderly people—not living in housing projects; every time you mention "elderly," a lot of people think of nice retirement colonies and they think of beautiful housing projects—the truth of the matter is that only 13 percent of our elderly in Boston are living in housing projects; others are scattered. They are paying, in many instances, 40 to 57 percent of their income for rent.

We talked with women, with widows, who say to us—and this is a terrible position to be in—"I find it very difficult the last week of the month to keep food on the table."

One woman told us about the fact that the previous month, which had 31 days in it, she received a $4 rebate on her sales tax about the 27th. And from the 27th until the 3d of the next month, she had to live on that, together with a little credit she was able to get from a local corner grocery store.

PROGRAM SHOULD BE MORE FLEXIBLE

Now the surplus food program does help in some instances. But I do believe that the program has to be made more flexible.

For example, why should we not be allowed to cook this food at senior centers? Why should the program not be more flexible? Why should there not be a close scrutiny of the special needs of the elderly who are on diets? Why should there not be a greater promotion of the idea of delivery to homebound and handicapped persons?

Now this is what I mean. And then I am going to yield to my constituents here.

I recently went to the office of the welfare commissioner in the State of Massachusetts, who is opposed to food stamps because he says he would have to hire more help. I recently had a conference in his office and I asked the gentleman from the Council of Churches to accompany me because I was concerned with the poor delivery and the breakdown of the surplus food program in many areas. And I said to the gentleman from the Council of Churches, "Is there some way that resources of the churches could be used to supplement this program?"

Now, in our State the department of education draws up the specifications for what is needed. The department of agriculture supplies it and the welfare department takes over the delivery.

They did designate an antipoverty organization which received $200,000 as a delivery agent within certain areas.

But I understand the welfare department is now seeking an additional appropriation and is going to take over the actual delivery of the goods throughout the State.

Now here you have three great bureaucracies who are involved in this program. And yet there has not been any total organization of the resources of the community.

I have long since learned that any program which has human roots, in addition to a paid staff, needs the wholehearted cooperation of committed persons.

Well, the result of it was that the gentleman from the Council of Churches has selected an area and a specified number of elderly people to whom this church will take responsibility for delivering packages every month. And if this project is a success, then I understand that they are going to try to spread it throughout the State in all the churches of all denominations.

So my final conclusion is that, while we appreciate all of these programs, we would urge the committee and the Congress to look very carefully into the special needs of the elderly.

Now let me give you just one brief illustration. Let's take the city of Malden, with a 58,000 population, 11 percent of whom are senior citizens. A good deal of them live in rooming houses, apartments, or elderly public and private housing. The latest figures we have show that there are 716 persons receiving old-age assistance, or approximately 9 percent of the total number of elderly. All of these persons are eligible to receive surplus food.

Only 133 of 8,000 Apply—Why?

However, according to figures supplied to me by the school cafeteria supervisor, only 133 have applied. Out of the 8,000 older persons, this is 1.6 percent. There are undoubtedly many more of Malden's 8,000 elderly eligible, using the eligibility standards of allowable monthly income.

I think there are answers to that—lack of knowledge as to the existence of the program; lack of knowledge of the eligibility requirements; pride—particularly where it is tied to the welfare department—inability to go to distribution points or to have an authorized person do it for them; length of time it takes in line to obtain the food; lack of storage facilities at home to keep food, particularly perishables such as butter, lard, cheese—and some of them have an awful time with that peanut butter; inability to carry a meaningful amount home, particularly if they live in a rooming house; limited selection of food, particularly if the older person is on a diet.

And you know, gentlemen, I sometimes think that food has a dual purpose. There is nothing more dreary or monotonous in life than to be subjected to the same diet. Maybe I was brought up wrong, but I have always felt there ought to be some satisfaction in eating.

I can recall the depression. There were eight of us, and my mother never took any classes in nutrition, but she did one heck of a good job in keeping us fed. We always had a good chunk of beef and vegetables. The only time we had a nutrition problem was when my father happened to be on strike for another nickel an hour, or if the plant laid him off. I noticed a sharp decrease, even at a tender age, in the quality and quantity of the food available.

Very often I see a young nutritionist teaching older people how to cook food. You know, if somebody can make stew out of a sow's ear, I would hate like blazes to try to teach them nutrition. Not that I am downgrading nutrition. This is made necessary in many cases by congenital illness, by lack of proper diet over a long period of time, and other factors. But let's not get carried away with the notion that the only problem is a lack of knowledge of nutrition. I have a great deal of respect for the cooking ability of some of my contemporaries.

Thank you.

Senator **Percy**. Thank you.

If it is all right with my colleagues, we will hear the other two witnesses and then question them all at one time.

STATEMENT OF MRS. RITA PEPPARD, VISTA VOLUNTEER, BOSTON, MASS.

Mrs. **Peppard**. Thank you very much.

Until my dad died in 1963, I, like so very many other middle-class Americans, assumed that Social Security benefits and pensions took excellent care of the widows of men who had worked hard all their lives, paid into pensions, paid their taxes, and paid into Social Security.

However, I soon learned that many pensions go into the graves with the men who worked so hard for their retirement, who with poor health and other debilitating factors died not too long after their retirement. The Social Security became one-half for the widow, a pittance. She was left helpless, old, sick, and frightened; very, very frightened. The little bit of money she had in the bank, she used, she spent. She positively refused the stigma of welfare.

We had been through a depression. She went out to work. She fed her family. And these are the things she could do when she was young.

Old age is hell. You are helpless. You are frightened. You are hungry. You are looked down on because you do not have the money to go out in public.

My project is search and find. Gentlemen, I do not have to search too far. I find them, but then what can I do with them? Get them on old-age assistance? Tell them about the right to surplus food commodities, which the welfare offices have not done? The social workers are now no more than clerks. They do not have the time to go out and inform these older people of their rights.

Communication is very, very poor with the elderly. Many of them do not have television. Their eyesight is poor. They do not read the newspaper. Furthermore, the 10 to 15 cents—and a Sunday paper today is half a dollar—forget it. This is vitally important to them.

So we find them, we inform them of their rights to welfare and commodities. Some of them refuse welfare.

When I left here yesterday, I was in a very, very uptight frame of mind. One of my clients, Grace Peters, was found dead in her apartment. She had been dead for 3 weeks. She had refused old-age assistance. I knew she needed help. She refused it. It was "welfare." When she was young, she had her own employment business. She was an elderly maiden lady, and she was a very determined person to continue in this life without the stigma of welfare.

I think that this country is doing a very, very poor public relations job. The poor do not want to be poor. They do not like being poor. And I do not feel they should be persecuted because they are poor.

Whatever the circumstances are, we all came into this world the same way. Some had the advantages. Some had sickness. Some had every type of thing. No one knows tomorrow what I will have or what will happen to me. I could be on that welfare roll tomorrow.

Religious Belief Ignored by Program

On the commodities, I have a little old lady who admits she opens up the can of meat—first of all, it is against her religious belief to eat pork. Now, this chopped meat contains pork. Most of it is garbage, really. She opens these cans and dumps the contents in the toilet. God forbid they should find out she did not eat it. So she puts the can outside in the trash so they will think she has consumed it. She fears that if she refuses to take any one of these articles on this list that she will be removed from the program. And, consequently, not be able to receive her butter, her dry milk, which she can use, you see.

Stamps are the answer for my people.

The peanut butter pulls their plates out. They do not need it. A little peanut butter on a cracker is good if you are hungry. It sticks to the roof of my mouth, too, but I do not have a plate yet.

To go out and buy a chicken—religious rites in the Jewish community means a chicken on Friday. These things are important to people. After all, religion is all they have left at this stage.

We have never received a can of beef, straight beef. You know, you can have a roast of beef. I can buy it in the store if I want canned roast beef. We do not get these things in cans. We get what is disposable, what should be thrown away. But we are going to use it, and we are being very kind—we are not being kind. This is not the great wonderful world, the rich United States; this is leftovers, and that is what has been relegated to our people.

I got off track, didn't I?

We filed a suit.* It was the idea to sue the State of Massachusetts. What I wanted to sue them for was not delivering the food that the Government contracted to the State or gave to the State. I formed a committee with 10 seniors, a task force of 10 older Americans.

Prior to this, seniors were so scared—"Oh, let's not make any noise, let's not rock the boat or they will sink us"—these same seniors are very willing now. I have affidavits* and their pictures. This is about the commodities and their dissatisfaction with the way things are being handled by the Massachusetts Welfare Department. The welfare department contracted out to an OEO-funded ABCD for the service of the commodities. The distribution point that the food was stored in was a basement in one of the public housing projects. This cost welfare and OEO nothing. But the toilet in this basement backed up constantly. There were fisheyes, water, toilet paper. We put the food up on dollies. However, is this fit for human consumption? Yet it goes out.

I deliver surplus commodities to old people. I have two other VISTA workers with me. We are all getting old, and we really should not do any more. However, we do that.

We want deliveries. We want the welfare department of the State of Massachusetts to take complete responsibility and get the food to the recipients who need it.

Whether it be seniors or others, stamps are the answer. I have been to the office of the chairman, the commissioner of the Boston Council on Aging. The buck was passed to the State House. The State House passed it back. I do not know where it is. I am so tired of chasing that ball.

We want to do something. We must do something.

Give these people stamps. Let them have fresh food. They do not eat this—or very, very little. This would eliminate so much waste.

PREPARED STATEMENT OF MRS. RITA PEPPARD

My name is Rita M. Peppard, 12 Rudsdale Street, Allston, Mass. I am a housewife, mother, and have grandchildren enumerating to the number of 10.

I am a Vista Volunteer, a board member of the Allston-Brighton APAC. A member of the A.B.C.D. Senior Advisory Council, a member of the Brookline-Brighton Health Corporation, a member of the Harriet Fubman Older Adult Group, and last, but by no means least, the Legislature Council of Older Americans, and the Mass. Assoc. of Older Americans.

Until my dad died in 1963, I, like so very many other middle class Americans, assumed that Social Security Benefits and Pensions took excellent care of the widows of men who had worked hard all their lives, paid into pensions, paid their taxes, and paid into Social Security.

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*See Appendix 1, pp. 2180–2183.

However, I soon learned that many pensions go into the graves with the men that worked so hard for their retirement, that poor health and other debilitating factors died, not too long after retirement. Social Security became one half for the widow, a pittance!

My mother was reduced to worse than the depression of the 1930's. She could not go out to work, she was sick, she was old, and the mainstay of her life was gone.

Loneliness and insecurity, and a firm conviction that she would rather be dead than accept Welfare. This realization of what it means to grow old, changed my entire life, I worked to educate my mother it was her right, and the privilege of the State and Government to return to these old people what they had put into this country.

Then there was so much work to do—so many did not have children to help them or would not ask their children for help—the feeling of hating to ask for help or charity.

In my search and fine work, I have discovered many of the resources are not doing the job I feel they should do.

Welfare has not informed them of their right to Surplus Commodities. Hot lunches in my area placed in a school that was inaccessable to these people—a failure.

Many people returning from hospitals without a homemaker arranged for them by social workers in hospitals.

No deliveries of commodities from Welfare to recipients. The distribution store is completely out of reach of people with problems of mobility and poor health, or blindness. Many of the people distributing the food and services are curt and impatient. This is true in almost every department where elderly must go for information or help. I would like to see the government have a special department for affairs of the elderly, and that every city and state have people that are screened for patience, understanding, and love for the people that they are supposed to serve, not merely political appointee's whose only concern is their paycheck. Also, we should have a public relations campaign to tell the truth about the real poverty of our older citizens. The American people would then be sympathetic to the problems and be willing to pay the taxes to bring up the standard of living for our older people. While we spend billions of dollars shooting to the moon, our older Americans quietly sink to the grave.

Also, the types of food offered to Seniors with dietary problems are very unrealistic and much of it is of no value to them at all.

I have one client, a dear lady, afraid, as so many of the Seniors are, of the authorities, landlords, social workers, etc., that accept all the surplus commodities, opens the cans of meat, and drops it in the hopper, and puts the empty cans in the trash. She is afraid to refuse the food she cannot use, because she fears she will be taken off the program.

The large amounts of food in cans and packages are much too much for Seniors. Salt content in 8 out of 17 and sugar in 3 religious diets, all must be considered in providing food for older people.

Seniors are special people with special problems, since finances are their main problem, fresh beef and chicken, lamb, are completely out of their range.

Either food stamps or a special financial food allotment should be given to Seniors only. The waste involved in Surplus Commodities would be eliminated and they would have access to fresh meat and fish.

To me, the worst crime being perpetrated against the elderly is the American taxpayer resenting paying the taxes, screams about welfare, and does not realize the true situation of the Seniors—landlords prey on them, when they receive a social security increase; they raise their rents, thugs and hoodlums wait for them to cash their checks, and then beat and maim them for a few dollars.

Malnutrition of body and mind, loneliness, the curse of old age, and a public unaware of the cruelties we are inflicting on our oldsters.

Yet, they love this country, and will die loving it, waving the flag, the greatest country in the world. Let's try to make it the greatest, in food, in housing, in Nursing and Health care—it all ties in together to relieve the problems of malnutrition in every area.

Senator PERCY. Thank you very much.

Mrs. Weiner?

STATEMENT OF MRS. GERTRUDE WEINER, MANAGING ATTORNEY, LEGAL ASSISTANCE PROGRAM, BOSTON, MASS.

Mrs. WEINER. My name is Gertrude Weiner, and I have been known as a poverty attorney since 1933, so I wish to assure you I have a very intimate knowledge of the poor.

In recent years my special concern has been the senior citizens who, immediately upon retirement in most cases are forced into what I call "instant poverty."

I am not going to repeat any of these heartbreaking details that you have heard, but, rather, show you what the distribution is in the area in Boston so that you may judge for yourself how inadequate it is.

This is a map * of the city of Boston and it is designated into 15 areas. The welfare department has a distribution center in East Boston, which is No. 1 on this map. It has a distribution center in South Boston, which is No. 2 on this map. It has two distribution centers between 10 and 11, which is Roxbury on this map. It has a place open in Charlestown—no, I am sorry. South Boston was No. 3 on the map and Charleston is No. 2.

For 1 week during the month there is a distribution center at the John F. Kennedy Memorial Building there which distributes surplus foods to people in Charlestown.

In the north end of Boston proper, it is open 1 week during the month and they distribute food there.

Now, I am particularly going to discuss No. 8 on this map. No. 8 on this map is known as the Allston-Brighton area of Boston. Every one of these areas, including No. 8, have to go to No. 10 to get their foods.

We have very elderly people who are ill; they are handicapped; they are unable to carry big bundles. They have to go on streetcars, with two or three changes. They find it impossible.

It is very good for them that Mrs. Peppard and her VISTA workers have taken on this area. But still they cannot service all the needs of the elderly in this area.

16 PERCENT ON INFLATION-ERODED RETIREMENTS

The Allston-Brighton area has about 60,000 residents. About 10,000 of them are elderly. The 1970 statistics show that 16 percent of the population receives Social Security payments, and that 7 percent receive very small pensions. And in that particular area there must be 5,000 people on welfare.

This community has always been a middle-income community with a very proud kind of people in it, because even to this day they will not accept welfare. Miss Peters was a good example of this kind of a case.

This community is surrounded by four large expanding universities. The rents have skyrocketed. And I want to tell you that the reason Miss Peters is now dead is because she really had no food for many years. Her particular rent went from $50 to $200. We did a very

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*See Appendix 1, p. 2184.

special job for her and got the landlord to carry her at $100 a month, which she could ill-afford because she did not have that kind of income and would not accept welfare. She is only an example of hundreds of people in that area.

If we could take these proud people and get them to accept welfare, they might have an easier time. But if they had to travel far, they could not physically do it.

I want to say that these proud elderly, whose financial security has been eroded by inflation and excessive rents, are in need of services. The old, the ill, the feeble, the physically handicapped, and the blind should have the assistance that they need to receive sufficient food to prevent malnutrition and death. A Food Stamp Program would certainly be a very much better facility for them to use because they do not have the stigma of the public welfare recipient with this—and they do not deserve it. They have been the backbone of this Nation and should not have this stigma attached to them.

I watched them in a supermarket as they come in, and they buy one orange, two rolls, a small bottle of milk. And it is really pitiful because their money does not stretch to give them a full-balanced diet.

Thank you.

PREPARED STATEMENT OF MRS. GERTRUDE WEINER

My name is Gertrude K. Weiner. I am a managing attorney with the Boston Legal Assistance Project. I was first admitted to the bar in 1932 and have served as a lawyer in the poverty area since 1933. In these many years, I have served as the counsel for the Commission to Investigate and Reform Nursing Homes, I represent, as counsel, the Massachusetts Legislative Council for Older Americans, and the Working Retirees of America. For the Boston Legal Assistance Project, I have opened and established new branch offices in Roxbury and Brighton, and trained the staff for these branches.

As you can tell, I have an intimate knowledge of the people who live in poverty and the senior citizens who are forced into "instant poverty" on their retirement.

My group from Boston have testified regarding the need and the lack of the surplus food projects, and I do not need to repeat their telling statements. I should like to show to you distribution throughout Boston, and point out to you that even if the food was desirable, it does not adequately reach its destination, particularly the homes of the elderly.

Boston Public Welfare has four surplus food stores, one in East Boston, numbered one on this map, one in South Boston, numbered three on this map, and two in Roxbury, which endeavors to serve all the other thirteen numbers on the map. In the second week of the month, the Boston Public Welfare does have a store open in the North End, at the top of No. 4 for three days, and in the second week of the month, the John F. Kennedy Center, in Charlestown No. 2, distributes surplus food.

You can see for yourselves that the surplus food assistance to the poor and the elderly is totally unrealistic.

I shall use the Allston-Brighton area, No. 8, as an example.

This area contains about 63,000 residents. Approximately 10,000 of them are elderly. The 1970 statistics show that 16% of that population receive social security payments and 7% receive small pensions. About 5,000 people in this area receive welfare.

This community is divided into two wards, 21, an apartment house area, and 22, a two and three family owner occupied dwelling area.

Families tended to remain in the same addresses in this community for decades.

In 1958, the expansion of Boston University and the three other universities that surround this area, created a great housing shortage, skyrocketed rentals several 100%, and dispossessed the elderly, who could not pay the inflated rents and also eat.

If one could persuade these proud elderly to accept welfare or surplus food they had to travel by two different street cars to reach the surplus food stores in Roxbury. Roxbury has become, in Boston, a ghetto housing a black population.

Many of the elderly have great fear of entering that Roxbury area. Unfortunately, their fears were justified by the vandalism and assault that they suffered while endeavoring to reach the Welfare Office or the Surplus Food Store in Roxbury.

These proud elderly, whose financial security has been eroded by inflation and excessive rents are in great need of services. The old, the ill, the feeble, the physically handicapped, the blind, should have the assistance they need to receive sufficient food to prevent malnutrition and death.

Senator PERCY. Thank you very much indeed.

Senator Cook?

Senator COOK. Mrs. Weiner, the one thing I wanted to ask you: Approximately how far is it on this map from area 8 to area 10?

Mrs. PEPPARD. It is approximately 9 miles.

Mrs. WEINER. Nine miles minimum. Two and three streetcar changes. And this is also true of all this area. Look at No. 14 or 13 or 12, having to come in here.

Senator COOK. Then there has been no effort by the officials in this program to turn these distribution centers also into individual distribution centers? They have made no effort to do so?

Mrs. WEINER. No. These VISTA volunteers, this task force has forced them into opening up nine centers in housing projects, small centers where they serve the people, out of some 25 housing centers that are in the city of Boston. These distributed the bases a little wider, but not very adequately. The facilities are the basements of housing complexes, very inadequate.

NO PROPER STORAGE FACILITIES

These people have been clever enough to secure small refrigerators for the butter and the cheese, but they certainly do not have any proper storage facilities for the food. The food gets corroded. If the flour does not come wormy, it eventually becomes that way. The rice has maggots in it. It is not fit for human consumption, and it should not be given to anybody in that condition.

Mr. MANNING. Senator, if I may, I would like to add to that. The environmental factors in some of these places are—for example, in Alston-Brighton, the distribution center in the basement was flooded out twice. I talked with the welfare department before I came here, their only answer was that they are seeking an additional appropriation. He showed me a map whereby they hoped to fill in some of the distribution centers, but he gave me no immediate assurance.

Senator COOK. Do you think a great deal of this might be rectified if more Federal money were made available to the local level for centers and refrigeration?

Mrs. PEPPARD. The welfare department states they do not have the money. And whether it is going to be Federal or State—and it would have to be Federal because our State and city has had it as far as taxes are concerned.

Senator COOK. What amazes me is that your State director says that they really are opposed to the Food Stamp Program in Massachusetts because they cannot afford it.

Mrs. PEPPARD. Yes.

Senator COOK. This really amazes me because, out of 120 counties in my State, we have 73 counties that have full Food Stamp Programs; and of the 47 that are remaining, we have nine that have made applications. Now, it may be tough to get those nine in under the present appropriations.

But I am amazed that most of the food stamp facilities that are available in the State of Massachusetts now are handled on a local level.

Mr. MANNING. And only in relatively small communities, very limited areas.

Senator COOK. I understand that Bedford is one of them.

Mr. MANNING. Yes, Dracut, I think, and Bedford.

Senator COOK. This is a very amazing thing to me, I must confess to you.

Mr. MANNING. I might say to you, Senator, that I also talked with the predecessor of the man who is now commissioner of public welfare, and he also stated at that time that he did not want that program because he would have to hire extra help, and he did not have the money to administer it. I do not know whether that is the real reason, but that is the reason they keep giving me.

Senator COOK. I think one of these days he ought to make an analysis of what it is costing for the distribution centers; and what it is costing for all of the warehouses he presently has in existence; and what it would cost him to administer a program where all of the facilities would be eliminated.

Mrs. WEINER. In addition, I think the dignity of the people really requires they be given food stamps so they can purchase their food privately and adequately for their needs.

FOOD STAMPS MAY ELIMINATE STIGMA

Senator COOK. You feel there are a great many people who do not take surplus food who would feel very comfortable joining a food stamp program?

Mrs. WEINER. Yes.

Mrs. PEPPARD. Right.

Senator COOK. Do you feel the spoilage of food which you talked about occurs once the local welfare agency is the recipient of it?

Mrs. WEINER. We do not know the condition of the food when it comes in because we have never seen the delivery. But in the warehouses the food is spoiled.

Senator COOK. Do you feel there is no field inspection of warehouses and that conceivably these commodities would be in better shape if there were?

Mr. MANNING. I was impressed—and I believe it was you—when a member of the Senate panel suggested that the Department of Agriculture should be given more extensive authority.

Senator COOK. I think that is our responsibility, because I think if they do not have sufficient funds—you can blame the USDA all you want, but if they are not going to receive sufficient funds to see to it that the warehouses are adequate, to see to it that adequate refrigeration facilities are provided, or at least that contracts are made to secure adequate refrigeration facilities whereby we assume part of that cost, then really and truly, the responsibility—although we may enjoy laying it on local officials—it has got to be partially ours.

Mr. **Manning**. Yes. And I would like to see the Department of Agriculture get the money it needs and the authority.

Senator **Cook**. I must say to all three of you and to the committee that 2 years ago when we wanted uniform standards, and when we insisted that there be a degree of uniformity throughout the country, that apparently we just did not go far enough.

Thank you, Mr. Chairman.

Senator **Percy**. Thank you, Senator Cook.

Senator Bellmon?

Senator **Bellmon**. This testimony has been very helpful, but I have no questions.

Senator **Percy**. I have just been conducting a continuation of a set of hearings before the Senate Special Committee on Aging in Chicago. We have, as you know, a scandalous nursing home situation there, as I think we have across the country.

The problems of feeding the elderly, of course, are exceptionally difficult problems, and I wonder if you could give us some feel as to the adequacy or inadequacy of storage facilities and cooking facilities that some of the elderly have.

You pointed out the image we have of the elderly of living in a fine community, elderly housing projects—and we do have a few showcases like that.

Mr. **Manning**. Oh, yes.

Senator **Percy**. But for the most part, the elderly, many of whom are women—who live longer than men—are alone. They suddenly find Social Security has been drastically cut, and next find the rent they were paying is too much so that they are financially squeezed out of an apartment, and they end up in a rooming house some place. How much storage facilities for food and how much cooking facilities do they have in a back room in a rooming house?

Mrs. **Peppard**. In some of the places VISTA's have gone into, it was a room that the old person was paying $22 a week for. There was no refrigerator. She used the windowsill as a refrigerator and kept the window open a crack. She had a gas burner with one burner. She lived in that room. She slept in that room. And the cockroaches slept with her. This woman was covered—her skin was a horrible mess.

Senator **Percy**. In other words, just by not having adequate storage facilities, sealed facilities for food, she will attract cockroaches—and next, rats.

Mrs. **Peppard**. Exactly. Yet, there are not sufficient housing facilities for these people.

MALNUTRITION CAN BE ANYWHERE

On the other hand, we recently had occasion to hospitalize two seniors who were living in a very, very lovely Carroll Gardens Apartments, which is a federally funded apartment. They were sisters, Mrs. Manning and Mrs. McDonald. Yet they both had to be hospitalized suffering from malnutrition in these very luxurious surroundings.

The problem here—you know, there are two people. One should be able to cook. One woman got sick. She had a very, very bad cold. The other one was trying to take care of her sister. She got quite sick. She was found laying on the floor. The other one was on the bed. They were both suffering from malnutrition—besides pneumonia—and were hospitalized.

Now these two people were taken to the hospital, then released to nursing homes. The daughter immediately—and this is one of the horrible things that happen—when two people could have had someone in to help them during this period of time, the daughter took the furniture out of their apartment, turned in a "vacate notice," sold their television—she got rid of them very nicely.

They are not happy in the nursing home. When they were ready to go back home, there was no home for them to go to.

Senator PERCY. Do any of you have any direct experience on the quality of food in nursing homes essentially set up to serve those people on public welfare, the elderly? I have limited experience, but I have through the power of GAO subpenaed nursing home records and actually computed how much they spend on food.

Now these nursing homes—unlike hospitals, which are almost all nonprofit—95 percent of the 25,000 nursing homes for the elderly are under a profit incentive. Now, if they are going to maximize profits, one place to cut down is on the food. You know they actually serve garbage scraps in some of our areas. We have observed it. But the food costs for some of the homes from which I requisitioned the records show they are spending less money on the elderly per day, 87 cents and 89 cents a day, than we spend to feed our prisoners. When we feed prisoners in Joliet Prison on a mass basis, you can buy cheaply. Here you are not doing that, of course, in a nursing home of 50 beds or so.

Is that same thing true in Massachusetts?

Mr. MANNING. In Massachusetts there are about 12 nursing homes as such. And we decided—when I say "we" I mean the legislative counsel—in connection with our VISTA volunteers that one of our singly good things that could happen would be if we could open the doors of other nursing homes to senior citizens in the community. So we devised a project, and we now have involved nine of the 12 nursing homes. A very young VISTA volunteer, in her early 20's, and another VISTA volunteer in her 70's, and a registered nurse, started the project. They have succeeded in opening the doors of nine of the 12 nursing homes. And I think that we will very shortly have much more precise information on the amount of money they are spending for food.

Food Closely Rationed in Nursing Homes

And I do know, from what information I got, that the food is very closely rationed. It is very closely rationed and sometimes it is of dubious quality. I have interviewed people who are in those nursing homes.

I feel if we can extend that particular project, we can rightly conclude that those who refuse to participate, that there is something wrong, because it is a community effort to bring some cheer and some life into these nursing homes; and also to see to it that they are getting the proper food and medication.

I hope we will be able to supply you with information very shortly.

Senator **Percy**. We must move along because we have three more witnesses to hear, but I would like to ask just one further question.

We almost saw the Federal Government close an experimental feeding program for the elderly this year. We were within a few days of losing the whole program across the country—and I believe there is one in Massachusetts—where we feed elderly people in the community. It is communal feeding, where they come in and get a hot meal and pay something for it, whatever they can afford.

Mr. **Manning**. 50 cents.

Senator **Percy**. But it is very minimal. Do you feel we should look, as a Nation, at the problem of feeding people that way at a community center for the elderly? It is a place they have to dress to go to, where they can get a hot prepared meal at a modest price and that they can then be with others of their own age, which then takes away that feeling of loneliness that "I am abandoned, I am unwanted, I have been left on a shelf, left to just die here, no one cares about me."

I ask this because I introduced a very comprehensive plan in this area, and that is one of the programs I hope we can push through.

Mrs. **Weiner**. I think the food program is a very vital need. It should be supplemented with the "Meals on Wheels" for those people who cannot come out. Socially it is very good for the elders to come out. Their lunch hour not only becomes food but a social experience. But those who do not come out are still suffering.

Mrs. **Peppard**. To go further on that, I do have a proposal there—it was a rough draft. However, I filed the proposal in the State of Massachusetts to have this "Meals on Wheels" for shut-ins.

In the area of the hot meals in the schools, it would depend on where and the accessibility of the places that they would have to go to. We know that in the cold weather, with icy sidewalks, it is endangering their lives really to try to get out.

They like to have company. What we would like would be volunteers to go in and have lunch with these people. This is what we need. We do have some senior volunteers that are doing this. But it is very difficult to get them.

Include Service at Nonprofit Institutions

Mr. **Manning**. I just want to tell you that we started, on a very restricted basis in Massachusetts—and I think it is important this point be borne in mind—it was limited to public schools, and some of our public schools in Boston are 100 years old, and in those days they did not build kitchens because obviously the kids did not need them or they ate at home in those days. Therefore, we succeeded in broadening the legislation to include service at nonprofit institutions and community organizations. So any future plans, I think, should be sufficiently comprehensive so that a large number of elders should be able to participate.

Senator **Percy**. We thank you very much indeed for your great contribution today on behalf of my colleagues.

Mr. **Manning**. By the way, Senator Percy, if I might, I received your proposals on the elderly, and I am studying them with great interest.

Senator **Percy**. Thank you.

Mrs. Grace Olivarez, please, and Mrs. Bina Troy.

Mrs. **Olivarez**. With your permission, Mr. Chairman, I would prefer that Mrs. Troy go on first, because my testimony can be done away with if we run out of time, but hers could not. Would you mind if she leads off?

Senator **Percy**. All right.

STATEMENT OF MRS. BINA TROY, PARIS, MO.

Mrs. **Troy**. My name is Mrs. Bina Troy. I am a diabetic, and I also suffer from high-blood pressure.

We do not get the commodity foods in Monroe County. We have not had it since June. The judges want their say on who gets it and who does not get it, and that is our problem there.

I have two children in the service and one that is visiting home, and the other two live at home all the time. One is in high school and one is in the fifth grade.

I do not make too much money. I get welfare, and I make about $30 working at cleaning. But with the bills I pay out of this, I have about $46 left to buy clothing and food for my three children, pay the rent and the light bill. I am not able to work really too much because I have arthritis, too. There is not much work to be done in Paris.

But I think if we get the food back, really it should be turned into the hands of somebody that understands the needs of the poor people, and the conditions we live under.

It is not only the colored, it is the white also.

There has never been a judge come into my home or a lot of homes to see how we live or what condition we live under.

But there is one incident that happened when we were getting the food. My son had borrowed a car to go get it because he did not have a car and he was home at the time. Well, he borrowed his grandfather's car, and his grandfather had a pair of pretty nice golf clubs in the trunk. When he raised up the trunk to put the food in, one of the judges made the remark, why did he need the commodity food with such a nice pair of golf clubs—without even asking whether the car belonged to him or whatever. He just formed his own opinion right then and there.

But I think, really we need the food. You know, I do not think there is anybody in Monroe County getting it that does not need it. And me being a diabetic, there is a lot of it I cannot eat. The meat I cannot eat on account of the pork. I cannot eat pork. But my children could. And if I was getting my extra food, that way, I would have a little left over to buy my dietetic food that I should have, but I just cannot afford it now.

PREPARED STATEMENT OF MRS. BINA TROY

My name is Mrs. Bina Troy. I live in Paris, Missouri. I am the mother of five children, two of whom currently serve in the Armed Forces. I have two jobs as a cleaning woman and receive a welfare grant to supplement my income. The total comes to $115 per month. There may be a 10% cut in all Missouri welfare checks soon.

My county, Monroe County, once had a commodity food program. It was cut off because of lack of operating funds around January. The local Community Action Agency supplied operating funds until July. There are no more commodities being distributed in Monroe County now.

What can the poor do? How can you feed children with no commodities and very little money? Children need food.

Senator PERCY. Mrs. Troy, how old are your children?

Mrs. TROY. All of them, or just the two at home?

Senator PERCY. Those that you have responsibility for at home.

Mrs. TROY. One is 14, and one will be 11 next month.

Senator PERCY. Do you have sons in the service now?

Mrs. TROY. Yes, I do. I have one in the Air Force and one in the Navy.

Senator PERCY. Where are they serving?

Mrs. TROY. The one in the Navy is in Norfolk, Va. The boy in the Air Force is in Wichita, Kans.

Senator PERCY. When you were receiving commodities, how many did you actually receive?

Mrs. TROY. Well, I received, I would say, about—well, I could name them off better than I could count them. We get raisins. We get juice of some kind. We get chicken and turkey and flour—and grits I did not take because I could not use it. And cheese once in a while. And green beans. As a vegetable we got green beans 1 month for 2 or 3 months at a time, and then we would get corn. And we got butter and the powdered milk.

Senator PERCY. Is this distribution such that you have to eat corn for quite a long while, and then you get on beans maybe?

Mrs. TROY. You get one can of corn per person and a can of juice per person.

Senator PERCY. You have heard this morning of some food that has not been able to be used because it is spoiled or something like that. Would you have any personal experience there? How much of this are you able to use?

Mrs. TROY. The only thing I had experience with is the rice. Sometimes it would have maggots in it. And once in a while, if you did not use up your flour, it would get buggy.

Senator PERCY. I see. How far did you have to go to get food?

Mrs. TROY. About three blocks.

Senator PERCY. So that was fairly convenient for you. But how large an amount would you get at any one time, and how would you bring it back?

Mrs. TROY. I would have to either ask someone to get it or hire somebody, because I could not pack it myself. And my small children were not able or big enough to pack it themselves.

Senator PERCY. What has been your source of supply of food in the past few months?

Mrs. TROY. Well, I have just been doing the best I can without it. The first month that we was out of it, I had commodity food left over and I could use that. But so far I have just lived on what I have left out of my pay.

Senator PERCY. Mrs. Olivarez, you are an expert on the problems of food distribution and the Food Distribution Program. I wonder if you could describe to us the "tailgate operation" as it is used in Arizona?

STATEMENT OF MRS. GRACE OLIVAREZ, EXECUTIVE DIRECTOR, FOOD FOR ALL

Mrs. Olivarez. Well, the tailgate operation I think you have to understand is subsidized by money from the Office of Economic Opportunity, the Emergency Food and Medical Services Division. It is a stopgap measure simply because "tailgate operations" are usually limited to 1 day and to a limited period of time that 1 day. So it really does not serve the needs. In fact—well, it serves the needs when there is nothing else.

But I think "tailgate operations" should not be counted as a solution to the problem of distribution and accessibility of distribution centers, because of its limitations.

Senator Percy. Could you give us some idea as to the type of improvements you might recommend in this program?

Mrs. Olivarez. Yes. Senator Percy and Senator Cook, I think it is very interesting—and as a taxpayer I was particularly interested in finding out that a series of recommendations by experts was developed on September 28, 1970, and that obviously these recommendations have wound up in somebody's file. I would suggest that your staff get you a copy of the recommendations that have been made by people who deal with us at the local level.

No Control at Local Level

Basically, I am concerned, of course, with the fact that there is no control at the local level.

First of all, having been associated with Mr. Bob Choate for several years, I know better than to try to expand on his knowledge and his deep commitment. But he covered the area very adequately. The arbitrary decisions made by the certifier at the local level, the fact that some States feel they have the authority to pick and choose the items that they are going to order that specific month.

For example, in Arizona, for a long time they have been receiving 15 items, and at times 11. We found counties in Texas that had been getting four items. There is no control over this simply because there is no regulation or statute that says that counties must participate in the program.

What we found terribly interesting is that as a result of the present administration's emphasis on having food in every county, the attitude in some counties in Texas has been that they have been blackmailed into accepting the program, and their vindictiveness is taken out on the eligibility recipients and, consequently, as you heard this morning, there are certifiers who operate on whims and moods. No OD cases on Tuesday. Unless you come in with your husband on Wednesday, they won't look at you.

What they are exacting from the eligible is that you must leave your dignity and your self-respect at the door for the certifier to step on if you want commodities.

Of course, word gets around, and then we go and approach county officials, their argument is, "We do not have to go door to door to find out who is eligible. We are here and they must come to us if they want help." And you know what happens.

Senator PERCY. Thank you very much indeed, Mrs. Olivarez. Your testimony is extremely interesting, and we will incorporate it in the record at this point. It has been a very valuable addition. I trust it will be carefully read by all members of our committee.

(The statement follows:)

PREPARED STATEMENT OF GRACE OLIVAREZ

We are pleased and somewhat encouraged by the fact that at long last a Congressional Committee has taken interest in USDA's Food Distribution program. We only hope that our combined and cooperative interest will result in much needed changes to improve this particular program, because the so-called food distribution system is NOT a system. It is out-moded, inefficient and inconsistent. It not only fails to provide adequate nutrition; it fails to serve people on an equitable basis. It does not serve persons in different areas of the country or even in different areas of the *same city* in the same manner.

WHY?

The total system management design is inadequate. The theory that restricted federal officials can operate an effective food distribution system to compete with the American food marketing system is simply untenable.

Private food marketing operations have, as their sole objective, the profit motive. In order to make that profit, they must deliver food to people in the most attractive and efficient way possible at the lowest cost. Competition in the market place keeps them working to achieve effectiveness and profit. Unless the individual customer's needs are met, they will fail. Competition, therefore, is a key factor in the private sector. Competition in Federal programs to serve the needs of the poor is called duplication of services and is viewed with contempt, as a waste of the taxpayers' money and as something to be avoided like a plague. However, it is my personal belief that competition in providing free foods to the poor would go a long way to improving the non-system we presently have.

Whereas private food marketing operations have the profit motive, Federal Food Distribution programs have entirely different standards and objectives. First on their list of priorities is payment of price support subsidies to farmers; second, distribution of surplus (that is unneeded foods in the private market); thirdly, is absolute and strict control of tax funds; fourthly, service to local governments which actually disburse the food and lastly and obviously least, is delivery of food to the poor.

Unlike Food Stamps, there are NO NATIONAL GUIDELINES which are designed to protect and encourage participation of the poor in the Food Distribution program. USDA supplies and contracts with hundreds of local governments (state and country). Contracts and agencies vary. USDA's performance is hampered by the fact that the responsibilities for program management are divided Consumer and Marketing Service (C&MS) and its Food and Nutrition Service (FNS). The various product divisions of C&MS—the dairy, fruit and vegetable, grain, livestock and poultry divisions—are in charge of obtaining the food through contract-and-bid procedures. The relationships with the states, on the other hand, and thus the issues of who gets what, when are handled by the FNS Food Distribution Division. Because of the split in controls, which has always existed, although always before within a single USDA agency, other problems arise. In particular, the split assures that considerations of nutrition will be too distant to affect the buyers' decisions.

Food Stamp Regulations guarantee uniform participation and eligibility standards for the poor. The maze I have just described regarding Food Distribution programs guarantees discrepancies and inequalities for the poor. It effectively keeps Federal officials tied down in negotiation with and cajoling of local officials, unable to overcome the essential roadblock of local control of distribution. The food having been delivered by USDA, are in box cars when they arrive in the state. Federal regulations only require that a designated state agency accept the commodities and deliver them to local distributors. These state designated agencies can be Department of Education or Public Instruction, Departments of Public Welfare, Finance-Control-Budget Departments or some similar agency including a Department of Agriculture in some states. The important and somewhat devastating fact is that in at least thirty-one (31) of the forty-three (43) states and possessions which distribute government food to needy families, the

State Welfare Office is not in charge of the program, even though local welfare offices and employees may be the ultimate distributors. Thus, there is no solid link in the chain of command. Counties are under no legal obligation to participate if their governing bodies elect not to, since there is no federal statute or regulation that commands a county to undertake the expense of administering the program. These expenses include the cost of certifying nonwelfare recipients, locating storage space for tons of food, purchasing refrigerators and freezers, conveyor belts, fork lifts and whatever other warehouse machinery necessary. Thus, we have found many instances where funds from the Office of Economic Opportunity's Emergency Food and Medical Services Division are being used to underwrite as much as fifty (50%) per cent of the cost of distribution at a local level. Therefore, whereas USDA will subsidize a local grower through its farm subsidy program, OEO funds are subsidizing local welfare departments in a commendable attempt to get food to hungry Americans. This subsidy to local welfare departments can be in the form of a tailgate operation to bring food to an accessible location for the eligible. Or it can be in the form of warehouse rental, staff, lease of equipment, or whatever can be worked out within OEO regulations, and the ingenuity of CAP directors.

I recently visited two such distribution centers in Texas, where EFMS monies were responsible for instituting a Food Distribution program for eligible persons. As commendable as their effort is, it was extremely disturbing to notice that the temperature in the warehouse where hundreds upon hundreds of food items were being stored was 105 degrees. Three men stripped to their undershirts and trousers were courageously working in that warehouse arranging cases in order to make aisle space for them to move about. Two girls working in the front part of the warehouse were attempting to organize a filing system with fans blowing papers and with the temperature in the high 90's. It is in this same heat that eligible recipients must stand in line to receive their food. In another instance, we found cases of cheese sitting in a warehouse where the temperature was in the low 90's. A few short questions brought out the fact that the person in charge of this program had used his personal money to buy a mail box and extension cords for the freezer where butter was kept. He was not able to afford lumber and nails to build risers so that cases of food don't have to sit on the bare floor inviting rats and roaches to feast.

The eligible persons in these two counties are faring somewhat better than others. The longest distance an eligible person has to travel to get to the distribution point is twenty-six (26) miles and that person may receive as many as twenty-one (21) items, if he or she arrives for food while stock is complete. Not all eligible persons are that lucky.

In Arizona for example, fifteen (15) items may be all that a person may receive from the twenty-four (24) available items. Butter and cheese are items that Arizonians have never received under this program. In some counties in the southwest, only four items were distributed for several months although this has recently been increased to eleven (11). This is still better than the person or persons who no longer find it worth their while to pay someone to take them to the distribution point as there are very few, if any, items elderly and sick people can take advantage of through the Food Distribution program.

As bad as all this sounds, it does not begin to describe the deplorable conditions to be found in Puerto Rico, that beautiful island so popular a site for conferences to discuss poverty. The eighty-two (82) distribution centers in Puerto Rico are open only twenty (20) days of the month, and only distribute during the morning hours. Of the twenty-four (24) items that are supposed to be dispensed in the Food Distribution program, Puerto Rico as a rule receives from eight (8) to seventeen (17) items. At times the lack of meat items, juice and canned vegetables, which happens often, acts as a deterrent to people getting in line to receive their food, since the better products seem to be missing and this discourages people from making the long trek to the distribution center or paying $2.00 to $4.00 to get their food delivered. This is usually done by local owners of small trucks or cars who deliver from tent (10) to twenty (20) sacks to different homes in one day. Sacks may be lost, misplaced or delivered to the wrong homes. In cases where the recipient lives in a hilly area, the sacks are dropped off near the highway and the recipient must then carry from twenty (20) to thirty (30) pounds up to his home. If the recipient is ill on the scheduled day for pick up, he loses out on that month's apportionment if he or she does not visit the distribution center within three days from the appointed date in order to be re-scheduled for another day within the month. If he or she failed to do this, they must then wait for the next month to receive commodities. Storage facilities are highly inadequate and no refrigeration units whatsoever are in existence at any of the eighty-two (82) distribution sites. Considering the heat in Puerto Rico, much of the food spoils or contains maggots.

The overall complaints about the program are the same nearly everywhere. The offices and distribution centers are not located in an area convenient for the recipient. The monotonous diet of food and the limited quantities and variety tend to create an aversion to such foods. In some areas a recipient may get enough meat to last a month. More often than not, meat will run out before the end of the third week. And, I am being very charitable, no I am being a hypocrite when I call it meat. One recipient in Texas called it horsemeat. He was being complimentary. In reality, the so-called chopped meat consists of pork tongue meat, beef heart meat, water, sugar, sodium nitrate, and sodium nitrite. We have yet to find the true list of contents in the pork meat can. All the label says is "pork in its natural juices". But pork can be entrails, ears, brains and other parts for which there is no commercial market. I shudder to think what they mean by "natural juices".

One gentleman I had occasion to speak with in his home opened a can of so-called pork he had picked up at a tailgate operation and asked me to take a whiff of it. Putrid is the kindest word I will use to describe the smell. That night he dined on fried onions and bread rather than eat the contents of boned turkey. It was boned turkey alright, but the processor forgot to take all the feathers off the turkey before it got cooked and canned for distribution among the poor. I can't help but wonder what kind of price we the taxpayers are paying for this garbage we are dumping on the poor.

Government and private nutritionists are constantly pounding away on the importance of balanced diet, to include meat, poultry, fish, eggs, cheese, grains, fruits and vegetables. Yet, the Food Distribution program does not include fish or any variety of vegetables. At best, they get canned corn, peas and green beans but they won't get all three at once and no fresh fruit. Institutions may get fresh fruits but needy persons will get none.

Those who have the courage to survive hostile treatment by county welfare personnel, get to eat somewhat better meals than those for whom the constant insults, run-around, waiting and hostility becomes more than they can bear. We found recipients being treated as a bother. In those counties where the present administration made a concerted effort to institute food programs for the needy, the hostility was even greater, since the attitude was that they were running a program forced on them by the government. As if to get even, many counties make it extremely difficult if not impossible for non-public assistance households to participate in the Food Distribution program. County Welfare Directors will ignore eligibility guidelines and make daily rules to fit their whim and mood. One County Welfare Director decided she would not accept applications for food program participation from pregnant mothers on Tuesday. The following Tuesday, she decided that that day she would only accept applications from husband and wife teams. If you happened to be divorced, widowed or an unmarried mother and applied for certification on that Tuesday, you were out of luck. You had to have a husband. When pressed for a copy of the State Plan (which by the way is available to any interested person under the Freedom of Information Act) one of our field persons was told she could not see it and that she could go see a lawyer, if she wanted to but she would still not get a chance to see the State Plan.

When word gets around, as it usually does, that in order to get certified for the Food Distribution program you must leave your dignity and self respect on the floor for the Welfare Director to step on, the result is foreseeable. Yet when we have argued with county welfare personnel that they are not serving all the eligible people in their county, their response tends to be that they are not required to go from door to door to find out who is eligible. After all, the argument goes, county officials were blackmailed by the government into accepting a food program.

This may be the first public hearings on the effectiveness of the Food Distribution program, but complaints at the local level have been going skywards like a million prayers only to fall on deaf ears. If local groups attempt to contact or communicate with USDA Regional officials who arrive in the area, their attitude is that they can deal nor talk to no one until they have touched base with the state or county officials. They won't even come into an area without first touching base with the state agency. Citizens are precluded from meeting with regional USDA people without the participation of state officials. In many instances, state or county officials are devious, unresponsive and defensive. Repeated expressions of concern and requests for improvement in the Food Distribution system or non-system from consumers, public officials, social service agencies, civic groups, religious groups, and private citizens point to the lack of adequate administration of the Food Distribution program as these requests have received no response. A close look at State Plans reveal that the existing regulations are unenforceable. There are no avenues for consumer complaints. The food commodity distributor at the local level is required to keep reams and reams of records on the amount of food received, the amount distributed, the number of spoiled items, broken bags and punctured cans, and heaven help the record keeper if he doesn't tally to a certain percentage. But who checks on the certifier to see how many eligible persons he/she turned down? Who checks the supplier to see that he isn't violating the contract to supply food at a certain date and at a certain location? Who checks to see that the recipient isn't receiving spoiled cheese, rodent-infested flour, rice and milk; who checks to see that items are stored safely? Who checks to see if the available items are being distributed from a half-way comfortable location? Hundreds of recipients are forced to freeze in the winter and fry in the summer, year in and year out as they stand in line at the distribution site waiting for their food.

At some distribution centers, waiting periods can be as long as three (3) hours and a large majority of them have no toilet facilities. The sick and the elderly have no access to chairs, or even boxes to sit on while they wait. In some areas, such as Puerto Rico, the recipient has one day a month in which to pick up commodities. Why does this continue? I suggest to you that the mess exists because we have no system for getting food in as orderly a manner to the poor as we get food to our armed forces.

The public is led to believe that there is a system. After all, there are State Plans, order forms, application blanks, registration cards, special record keeping and reporting forms, funds to check on suspicious looking recipients, bids and contracts. But when you total them up, you are left with a non-system. It is non-system the poor depend on for a balanced diet and enough food to keep from starving.

Senator Percy. Senator Cook?

Senator Cook. How big is Paris, Mo., Mrs. Troy?

Mrs. Troy. It is really a very small town. I could not tell you just exactly how big, really, is the population of it.

Senator Cook. Is it a county seat?

Mrs. Troy. Monroe City is the county seat. They have their food stored in Monroe City, which is about 27 miles from Paris. And when they was giving it out, they took 2 days for it. They would go down to Monroe City one day, and Paris that next morning, and Madison, Mo., about 14 miles from there, and they would go to Madison that afternoon.

Senator Cook. They would bring the supplies with them?

Mrs. Troy. Yes, they did. The court said that the reason why lots of times they could not get it up there was because they had to take the city workers off their jobs to go down there and get it and then help pass it out. But which they did not. They went and got it. But if you had a big box, the worker would stand there drinking coffee while you tried to carry the box out to whatever transportation you had.

Senator Cook. They thought it was much more important to repair streets than to feed the poor?

Mrs. Troy. They wasn't repairing the street. They was sitting there drinking coffee.

Mrs. Olivarez. I have one point—and I realize that the mind will absorb only what the seat can withstand, and so I will be brief.

Pork in Its "Natural Juices"

I think we need to look more carefully into the meat products. They touched upon it before. They distribute canned pork. They do not list the items. I suspect that there are entrails and ears. It says, "Cooked pork in its natural juices," and I shudder to think what they mean by "natural juices." I think this is a very serious offense because taxpayers' money is being used to buy garbage that we are dumping on the poor in the name of a commodity program.

Senator Cook. You bring this up into regard to some canned turkey, as a matter of fact, in your prepared statement, do you not?

Mrs. Olivarez. Well, the typist left out a whole paragraph, but I was very cynical about it. I did not believe it until I was brought a can of turkey with feathers in it. I did not see the bones. And I did get a chance to smell the so-called canned pork.

This to me is extremely serious and needs to be looked into. We do not know who the processor is.

Second is that the situation in Puerto Rico, that beautiful island where everybody convenes to discuss poverty, has some problems that have not come to light yet, and I think it is imperative that this committee do a thorough investigation of what is happening in Puerto Rico, because it is just a thorough disgrace.

Senator Percy. We might even get some volunteers from the committee to go down there this winter.

Mrs. Olivarez. That is what I mean.

Senator Cook. Having just finished a study that took me back and forth on a lot of weekends, I am not going to be one of those volunteers, I have got to tell you.

Mrs. Troy, did you ever have commodities which, when you got them, were spoiled, in cans?

Mrs. Troy. No, I cannot say I have.

Senator Cook. You never had any canned chicken or canned turkey that were spoiled?

Mrs. Troy. No, I have not.

Senator Cook. But, then, you had a very short-lived program?

Mrs. Troy. Yes, we did.

Senator Cook. Is there any indication that Monroe County will open up again at the time of its next budget? Or is there any attempt being made? Is there any attempt by county officials to find resources?

I notice that you had your community action agency that supplied money to keep it going from January through July?

Mrs. Troy. Yes.

Senator Cook. Is there any effort by any agency or any organization in Monroe County to reestablish this program?

Mrs. Troy. No.

I have something I would like you all to read, if you do not mind.

Senator Cook. No, please do.

Mrs. Troy. This is what our judges think of it.

Senator Cook. Thank you.

This is an article that says, "Free food program may be resumed by November 1st. In session Monday . . . (reading article) . . . if facts show they do not need the food.

I would like to put these two articles into the record,* if you would not mind.

Mrs. Troy. I do not mind. Thank you.

Senator Percy. Thank you both very much indeed for being with us. The last witness this morning is Mr. Howard Bauman. Mr. Bauman is the vice president of science and technology, at the Pillsbury Co. We appreciate your being with us this morning.

STATEMENT OF DR. HOWARD E. BAUMAN, VICE PRESIDENT, SCIENCE AND TECHNOLOGY, PILLSBURY CO.

Dr. Bauman. Mr. Chairman, Senator Cook, the Pillsbury Co., as do most other food companies, takes pride in the quality of its products which the consumer purchases—and can exist only as long as the customer is satisfied.

To accomplish this, we accept that our responsibility cannot stop at the plant door, but must carry through to the furthest point possible in the distribution chain, since the problems of control become accentuated the more a product is handled, stored, and transshipped.

The selection of raw materials, and the processing, packaging, warehousing, and transportation of food should be an integrated operation and should be controlled by experts with considerable training—especially in this day and age of fast production, transportation, and consumption.

But no matter the care with which the food is handled in the plant, we must accept that there are many vehicles and warehouse facilities that are unfit for the transportation or storage of food, and that many times the personnel are not familiar with the care necessary in the safe handling of food products.

Section 402 of the Food, Drug and Cosmetic Act states:

> Food shall be deemed to be adulterated if it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated and whereby it may have been rendered injurious to health.

This is a broad but a good regulation, since it allows FDA to do something about the warehouse or transport units that are unsuited for handling foods, or that may be insect and rodent infested. Warehousemen and transport personnel are not required to demonstrate any knowledge or training in the food area. One result of this is that in many cases the packaging has to be such as to minimize breakage, crushing, and contamination from improper handling.

The food business is in an unfortunate position in this day and age, since almost everyone considers himself an expert on food—most likely because we come in contact with it many times a day. It's unfortunate, because food is one area where a little knowledge can be dangerous, and slip-ups through the distribution channel can affect the health and welfare of literally thousands of people.

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*See Appendix 1, p. 2185 and p. 2187.

It is amazing to me that we expect TV technicians, plumbers, electricians, beauty shop operators, et cetera to be licensed and knowledgeable in their fields—but apparently aren't too concerned about the experience the persons handling our food supply have, even though we ingest and digest this same food daily. Maybe it's true that familiarity breeds contempt.

Flour and Flour Distribution

I have been requested to talk principally about flour and flour distribution—and will confine my remarks to the system of control that we use for flour going to the consumer—and discuss our specifications and control versus those of two Government agencies—the U.S. Department of Agriculture and the Defense Supply Agency. Many of my remarks will be valid for other food products as well.

First, I would like to state that flour is a delicate product and should be handled with care. It is a product that easily absorbs all types of odors, that may range from perfumes to kerosene. It is highly absorbent so that spillage may be quickly soaked up with hardly a trace on the outside of the package.

It is an excellent food, and insects and rodents love it if they can get to it. If it becomes damp in storage—which means raising the moisture content only 3 to 4 percent, mold can and will grow in it. It is also a universal food in that everyone likes it, and it is used in so many ways that every home uses it. Because of its attributes, wide usage, and vulnerability, it is an example of a product that must be protected throughout the distribution chain as well as we possibly can.

I have used the USDA commodity product area and Defense Supply Agency as the agencies selected because of their large procurement of flour and other items.

This statement is written in an attempt to encompass in as brief a time as possible the important components of food and food handling, placing the emphasis where it was felt it was most needed and where the systems are most vulnerable.

I will start with an assumption based on our experience that we believe is valid, in that the flour—whether for our use, USDA's commodity program, or DSA's procurement, is for all practical purposes equal in quality and insect-free when it leaves the mill.

A food manufacturer spends considerable time developing a distribution system, and research and development spends a great deal of time and money and study designing an optimum packaging system that is compatible with the particular distribution system developed, and that will meet all FDA requirements for pure food.

We also know by experience that if changes are made in this system, it will probably require some change in the packaging system. Thus any changes should be made cautiously.

In order for optimum packaging to be used, it is essential that the hazards in the system be known and properly guarded against and controlled. For this reason we have developed working manuals that detail the control we must exercise, and have included with this statement pertinent portions of our grocery products company distribution warehouse sanitation manual and also a brochure that we hand out to customers of ours once the title of the product passes to them for their use in controlling their own warehouses. It details, for instance, the selection, cleaning, fumigation, et cetera, of railroad cars or trucks used for shipment. It does require that only warehouses inspected and approved by our Department of Environmental Biology can be used to store our food products.

Further, these warehouses are frequently reinspected to make sure they continue to meet our standards.

Our experts also work with the warehouse managers to aid and assist them in their control procedures and make recommendations for improvement, if needed. This type of control includes such things as the height to which product may be stacked to avoid crushing or other damage. It also details instructions on disposal of damaged or contaminated product.

This type of control can be maintained, however, only as long as we have title to the product: beyond that point, we still work with the customer on sanitation, and have distributed many copies of a brochure entitled "Warehouse Sanitation Control"* for their guidance.

This system is working quite well, since once the customer has paid for the product, anything that happens to it is money out of his pocket and he welcomes any assistance provided. This monetary incentive is a powerful one in developing a personal interest in the one who owns the product, and is missing, unfortunately, in the commodity distribution system.

DEFENSE SUPPLY AGENCY HOLDS TITLE

The DSA is unique as far as food procurement by Government agencies is concerned. Although their specifications are unbelievably unwieldy, complex, and difficult to follow, they do represent packaging systems that are not only compatible with the distribution system used, but also the area of the world the product might go to.

For instance, flour designated for immediate consumption is packed in a manner identical to a commercial system. However, if it is intended for storage, the overwrap or baler must be a type of container that is designed to be insect-proof. For other uses, special, moisture-proof bags, cans, and even sealed wooden shipping containers are specified. The latter is for use in more primitive ports, where breakage and pilferage may be high.

We must remember that the DSA system title is retained by the military until consumed: thus, they have total control and any losses or damage or contamination are a fault of their own system and can thus more easily be corrected. They also have good written programs for in-transit and warehouse fumigation and rodent control, equal to good commercial systems.

USDA MAJOR PROBLEM IS DISTRIBUTION

USDA, on the other hand, is hampered by a number of factors which are principally procurement regulations, and the system by which commodity products must be handled.

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*See Appendix 1, p. 2229.

Product is purchased by USDA under their specifications and, as mentioned before, the flour is essentially equal in quality to commercial product when it leaves the mill. The distribution system is their major problem. The title for commodities apparently passes on to the States, once the product reaches the State. And although the cars used are fumigated and cleaned by accepted procedures, apparently not all recipients examine the shipment for contamination and infestation before off-loading.

The USDA requires that each State submit a plan for the handling, control, and distribution of commodities for approval, but the task of monitoring the subsequent transportation systems and warehousing is beyond the ability of any Federal agency—or any commercial organization, for that matter—as the product moves from State to county, to local recipient—which may be an individual, a school board, et cetera.

If problems of breakage, damage, contamination, and infestation occur in the commodity products, it is most likely to happen in this portion of the chain which has departed from normal food distribution channels. It is here that the amateur food handler undoubtedly enters. It is also understandable that nonfood-trained recipients might not understand that furniture warehouses and abandoned railway stations are not very good places to store food.

Chemicals Most Dangerous Near Flour

My greatest fear in this type of system is not necessarily the breakage and infestation. Although esthetically it is undersirable, the health hazard is nowhere near as grave as it would be if commodities happen to be shipped or stored with dangerous chemicals such as certain insecticides, pesticides or industrial chemicals.

I know of no problems from this in the United States that have resulted in illness or deaths, but it has happened elsewhere in the world, and I am sure many of you will recall the incident in Mexico a few years ago where insecticide and flour were sent in the same truck to a village; a bottle of insecticide broke and contaminated the flour. Many people in the village died from eating this flour.

Unless our distribution systems are highly controlled, it can happen here.

The USDA is handicapped by another major problem—that of packaging designed for the system. If optimum packaging specifications developed by industry for distribution in controlled systems are used—as they in most cases are—then problems will arise if the product is handled through a distribution system for which it was not designed.

If the packaging is designed to meet the most abusive system in the commodity distribution system, our experts informed me that the cost of the packaging would probably increase to a point where it might be cheaper to purchase product from commercial outlets in the area.

There are two major factors involved in this type of increased cost. First, the strength of the bags, cans, cases, et cetera would have to be increased if careless handling is involved, which can be very expensive, and most likely this would result; second, in special packaging specifications—that is, types of packaging materials that would require special production runs and in many cases probably additional capital investment by container manufacturers.

I don't believe there are many container manufacturers who would make this investment without a contract assuring them of an adequate return on investment, and as long as the contracts are based on lowest bidder, the odds of getting manufacturers interested are minimal.

It is my own personal opinion that Government procurement regulations for food reduce all aspects of the food procurement to the least common denominator.

Least-Cost Packaging Will Win Bid

For example, if a choice is offered in the bid between packaging, the least-cost package will always win. Under this system of specifications, the package will be the one least able to stand up under the rigors of a nonfood distribution system.

If a range is offered for protein and vitamins, for instance, the lowest possible level will always be used in bidding the contract. Further, the specifications do not require that organizations involved maintain a respectable quality assurance system and testing procedures to control the environment of production.

Thus, we can expect that unless basic requirements and specifications are stringent, the Government will always purchase minimal quality food and packaging.

I can only speak, of course, about my own company in regard to our contract procurements. We inspect our suppliers' operation, and will not accept minimal standards in any cases, but insist that the suppliers meet the same qualifications as we have for materials produced within our own system.

We are, of course, interested in price, but not at the possible sacrifice of safety, quality, and overall excellence. We have even at times paid premium prices to obtain the highest quality product or an additional safety margin—usually because it required additional capital, testing, or quality control on the part of the manufacturer over his normal system.

I hope in this brief statement that I have conveyed some idea of the problem areas and some of the factors involved in flour handling and distribution. I would like to make some recommendations that, in some cases, are alternatives to the present system, and some that should, overall, help upgrade at least that portion of the food business that the Government administers.

Recommendations

First, if there are problems with excessive damage and contamination in the commodity system—and I have no first-hand knowledge of this—then four possible recourses I believe are available:

1. Upgrade the total distribution system, down to the local level, equal to that of a normal, controlled, commercial system; or

2. Increase packaging specifications to a point where they will stand almost any abuse and are totally insect, rodent, and contamination proof; or

3. Use commercial food distribution systems for the handling and distribution of commodities. It seems ridiculous to me that the Federal and local governments are trying to establish a substitute system for the good food distribution systems that already exist; or

4. Use food stamps or other media of exchange that are only good for the commodities that would be eligible for distribution, and pick them up at retail.

Two other factors which I consider important, are to:

1. Revise specifications so that choices and ranges are not a significant factor in the bids;

2. Add to procurement regulations that a sufficient quality assurance level be maintained to insure suitable control over environment and production.

Thank you.

Senator PERCY. Mr. Bauman, we very much appreciate your being here. Your testimony is extremely helpful.

Can you tell me if Pillsbury flour is ever shipped with insecticide or other chemicals?

Mr. BAUMAN. Oh, absolutely not.

Senator PERCY. Can you comment at all on whether the same practice used by Pillsbury is used by USDA?

Mr. BAUMAN. USDA is cautious up to their point of transfer of title to the product. The cars, that are, say, hauling flour from the mill to the State are properly inspected, cleaned, fumigated, and checked for any types of infestation that might be possible.

But once it gets to the States, then as far as I can determine, there is essentially no control whatsoever.

Senator PERCY. Of the boxcars that actually come to your mills for loading, what percentage is acceptable to you?

Mr. BAUMAN. Oh, I would say not more than 50 percent of the cars that come in are suitable.

Senator PERCY. You reject 50 percent of the cars for purposes of shipping food products?

Mr. BAUMAN. Yes.

Senator PERCY. Do you get any complaints concerning the delivery of USDA flour?

STATE COMPLAINTS ARE NIL

Mr. BAUMAN. Very rarely. I took a look at this. If we sell to a retailer and the boxcar comes in and there happens to be infestation, we hear about it at once. But very rarely do we ever get a complaint back from the State or anyone that has received USDA flour, which indicates to me they just are not checking the product properly when it comes in.

Senator PERCY. How far down the pipeline does Pillsbury's oversight inspection actually go?

Mr. BAUMAN. Our own inspection system?

Senator PERCY. Yes.

Mr. Bauman. It goes to the major warehouses to the point where the actual retailer buys it.

Senator Percy. Are you actually spot-inspecting at all in retailers?

Mr. Bauman. Oh, yes. There is not much we can do to the retailer in controlling the warehouses, but we have established training programs for their warehousemen and actually have people that go out and put on films and lectures on how to control the warehouse.

Senator Percy. Last, on packaging specifications, are there any recommendations or suggestions you would care to make with respect to USDA packaging specifications? Would they meet your standards at Pillsbury, for instance, or are yours much more stringent and tight?

Mr. Bauman. They meet, in most cases, our requirements and our distribution system. But in most cases they are certainly not suitable for the type of handling they get, especially at the more local levels for food, and I do not believe in many cases they are suitable.

For instance, in flour, they are currently offering a choice of two bags. One is a standard one-ply bag, which is used in most commercial areas. The other is a pinchbottom-type bag, which is essentially insect proof. Right now you can bid either one, but the pinchbottom bag costs twice the amount of the other one. And obviously, you are going to bid the cheaper bag.

Senator Percy. Thank you.

Senator Cook?

Weakest Link: Title Transfer to States

Senator Cook. Mr. Bauman, your remarks have been very interesting.

We still get to the same point, do we not? As soon as the local official or the State official opens up that box—as we learned, for instance, in the situation we have discussed this morning—if they do not have the right kind of truck and they bring the county dump truck up there, then they take these things out of a car that has been sanitized and everything else has been done, and they throw it on the truck and take it to a distribution center?

Mr. Bauman. Yes.

Senator Cook. No inspections are made of the distribution centers, no inspections are made of the warehouses, no effort is made to fulfill the requirements of temperature. So, therefore, everything we have done up to that point conceivably can totally break down, can it not?

Mr. Bauman. Absolutely. It is the weakest part of the whole system.

Senator Cook. If they go into the basement in Roxbury in Boston and it gets flooded out, then all the flour just gets thrown away, and that is the end?

Mr. Bauman. That is right. Even if flour is stored in a damp place, it only has to pick up 3 to 4 percent moisture to become moldy.

Senator Cook. Your company produces products other than flour, and you are familiar with USDA and you are familiar with its bidding procedures, I assume, and are familiar with how it operates. What are some of the reasons that many of the major peanut butter manufacturers will not even bid USDA peanut butter anymore? Do you know? Do you have any idea?

Mr. **Bauman**. Well, I think the main reason is that the overhead that the food manufacturer has to bear for a good quality assurance program and the research he is sponsoring puts his cost to a point where he has a difficult time bidding.

Senator **Cook**. Are you saying that the cost he has to bid for peanut butter for USDA is so low you cannot give a good quality merchandise?

Mr. **Bauman**. Not at the price that other manufacturers will bid; yes.

Senator **Cook**. Let me get this straight, now.

Not at the price that other manufacturers will bid. I am saying, can you produce the same product you are producing now and do it at a price that you could bid on a contract with USDA? Or would you have to reduce the quality of your product in order to make a bid to provide peanut butter for USDA?

Mr. **Bauman**. Generally, I would say you would probably have to reduce quality or handle your figures in some other fashion.

Senator **Cook**. "Handle your figures in some other fashion" so you do not have to absorb a loss and you can shove it off on something else?

Mr. **Bauman**. That is about it.

Senator **Cook**. In other words, the peanut butter that is really being produced for the specifications that USDA submits is not what you would call a good quality product? That is a tough question to ask.

Mr. **Bauman**. Yes; that is a tough question to ask.

I think from an edible food standpoint, yes, it is good quality. But I think a lot can be done to the peanut butter to make it better quality, more acceptable quality.

Senator **Cook**. In other words, if we had a program that tries to provide the right kind of vitamins, the right kind of protein, the right kind of all the things that are necessary, the standards that are put out for bid by the USDA do not meet what you would call "adequate" standards to provide the right types of protein, the right types of the necessary ingredients for a quality product?

USDA Utilizes Minimal Standards

Mr. **Bauman**. I would have to say they are minimal standards, yes.

Senator **Cook**. Thank you, Mr. Chairman.

Senator **Percy**. Senator Cook, we appreciate your being here very much indeed.

Mr. Bauman, we very much appreciate your testimony.

We express our appreciation to all of our witnesses this morning.

Senator **Cook**. May I ask one other question?

Senator **Percy**. Yes.

Senator **Cook**. I wonder, Mr. Bauman: Is there any reason really why in your item 4 suggestion, "Use food stamps or other media of exchange that are only good for the commodities that would be eligible for distribution"—is there any reason you would want to limit it to commodities that would be eligible for distribution?

Can you not honestly envision the problems of going into a major supermarket and having to look at a list to see whether what you bought was on the standard list? Is there any reason why you cannot go in and buy fresh vegetables? Is there any reason, for instance, why, instead of buying Pillsbury flour you cannot buy some of your cereals? Is there any reason why we have to say to an individual who has stamps, when he comes into a store, that the only thing that you can conceivably buy are commodities that somehow are eligible for distribution?

Because we know that some of the commodities that are eligible for distribution are not surplus commodities, are not surplus in their demands throughout the country. So is there any reason why in that item you would want to limit it to "eligible for distribution"?

Mr. BAUMAN. I guess I worded it badly. I looked at this as being a supplement to the Food Stamp Program. But, rather than the commodities being distributed the way they are now, the people could still get the same amount of commodities. But in this way they would have a choice of whichever flour they wanted to buy.

I think the best overall is to give them sufficient amounts of money or stamps to buy what they need.

Senator COOK. Thank you, Mr. Chairman.

Senator PERCY. The committee is in recess, to reconvene at 10 a.m., on Thursday, in room 1114 of the New Senate Office Building.

(Whereupon, at 12:40 p.m., the Select Committee was recessed, to reconvene at 10 a.m., on September 16, 1971, in room 1114 of the New Senate Office Building.)

FOOD DISTRIBUTION PROGRAM

THURSDAY, SEPTEMBER 16, 1971

U.S. Senate
Select Committee on
Nutrition and Human Needs
Washington, D.C.

The Select Committee met at 10 a.m., pursuant to call, in room 1114 of the New Senate Office Building, Senator Charles H. Percy, presiding.

Present: Senators Percy and Schweiker.

Staff members present: Kenneth Schlossberg, staff director; Judah Sommer, minority counsel; and Elizabeth P. Hottell, professional staff.

OPENING STATEMENT OF SENATOR PERCY, PRESIDING

Senator Percy. These hearings will come to order.

This is the second of a series of four hearings, conducted by the Senate Select Committee on Nutrition and Human Needs, on the Food Distribution Program of the U.S. Department of Agriculture.

Yesterday we heard testimony describing the program from the recipient's point of view. Generally, the testimony indicated that the Food Distribution Program is too burdensome to be truly effective. There was much sentiment expressed for replacement of commodities by food stamps; however, there was also a feeling that since the Food Distribution Program was going to be in operation for some time to come, it should be improved.

This morning we will hear from several witnesses representing the private food sector. The purpose of today's hearing will be to develop suggestions and recommendations from both industry and food professionals as to how the Food Distribution Program can be improved.

As chairman of these hearings, let me comment on some of the statements that both Senator Cook and I made yesterday. The purpose of these hearings is not to try to point a finger at the Department of Agriculture and use it as a whipping boy. We understand that, in many instances, the Department is working under directives laid down by Congress. We, therefore, feel it is our responsibility to point the finger at Congress itself, which has laid down the directives that have resulted in some of the abuses pointed out by commodity recipients.

We are very happy this morning to welcome the former adviser to the President of the United States, President Johnson, and now the consumer adviser to the president of Giant Food, Inc., Mrs. Ester Peterson. Mrs. Peterson, we are honored and privileged to have you here this morning.

Is that pork and beans?

Mrs. PETERSON. This is good old pork and beans.

STATEMENT OF MRS. ESTER PETERSON, CONSUMER ADVISER TO THE PRESIDENT OF GIANT FOOD, INC.

Mrs. PETERSON. I am delighted to be here. I was very pleased to receive a call saying that you would be interested in knowing what we in private industry are trying to do to help improve the nutrition information in our country. I appreciate the opportunity of having a chance to explain this, and, as you said in your opening remarks, it just might be that there are some points that could be applied to this very important question that you are deciding: The effectiveness of the Food Distribution Program.

I certainly want to congratulate the committee for the leadership it has given to the elimination of hunger and malnutrition in this country, which is certainly one of our major problems.

We are testing in the Giant Food stores, a nutritional labeling plan that was developed in cooperation with the Government. I must say that the techniques and the skill of the Department of Agriculture and the Food and Drug Administration have been splendid. They have the competence, the know-how, to do all of these things. The plan that we are testing is an adaptation of one proposed by the Food and Drug Administration. There are some other FDA plans that are being tested by other groups.

The aim is to find a way to give nutrition information to consumers at the point of purchase. We have felt for a long time that consumer education about nutrition does not do any good unless a person making a food purchase knows what he is getting and how he can prepare it. We have had recommendations from the Food Marketing Commission and from the Agriculture Advisory Committee that there be nutrition information at the point of purchase.

CONFERENCE RECOMMENDED NUTRITIONAL INFORMATION

I think the last big recommendation was from the White House Conference on Food, Nutrition, and Health; and if I recall correctly, one of the recommendations at that time was that the items under the Food Distribution Program also have nutritional information. So it is not a new idea to have consumer nutrition information at the point of purchase.

This plan that we are testing at Giant was worked out by a committee[*] composed of nutritionists, Government and industry representatives, and consumer advocates. The committee was chaired by Dr. Jean Mayer of Harvard University, who was Chairman of the White House Conference on Food, Nutrition, and Health.

Now, simply, this is the plan, if I can use my can of beans to illustrate it. There is a symbol on the item to show that that item is nutritionally labeled. The plan was to develop something so that the consumer could identify: "Here is where I can get nutrition information." Now, I must say again, this is a test. It does not mean that this is the system that will finally evolve, but at least it is a beginning to show the consumer. Nutrition information will be on each article that is marked with the symbol. If consumers see the symbol, they will turn the can and find this information. The label says: "Each day eat a wide variety of foods to get a total of 10 units of each nutrient listed, a cup provides . . ." It lists those nutrients that have been agreed upon as the essential nutrients and the amounts needed daily. The amounts are the recommended dietary allowances set by the Food and Drug Board of the National Research Council of the National Academy of Sciences, so they are not picked out of thin air. They are picked by the best experts that we have.

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[*] See Appendix 2, p. 2268.

The label states the amount in a serving and tells how much the serving is, whether it is a cup or an ounce or whatever it happens to be. It gives the units of each nutrient contained in the product, and it says what is not there as well. That is important for the consumer to know in order to be able to make a balanced diet. It is especially important today when advertising is very heavy in the food industry and frequently in the nonnutritious areas, so it is difficult for consumers to make the value judgment as to what nutrition they are getting. So the essential nutrients are there, but there is a blank if a nutrient is not in the product, and then the person will know that he has to pick up other items for that.

There is additional information about the amount of grams of protein, carbohydrates, fat, and calories, and those are not specified in units. Scientists are not agreed on a specified amount because individual differences are so great.

This information appears on the labels of 10 Giant-brand canned products. I have brought cans of pork and beans, corn and peas to illustrate the way it appears. I was interested in looking at the labels on the commodity products that are distributed by the Government, to see if similar information could be given on their labels. In addition to the cans, we have nutrition information on posters for 48 other items.

SEVEN NUTRITIONAL POSTERS IN STORES

I will just briefly show you one poster.* This one happens to be the one that is over the bakery division and it states what the nutrients are in bread, whole wheat rolls, soft rolls, hard rolls, cherry pie, corn muffins and bagels and so forth, so that the person can look at this and begin to have the information he needs. We have one of these for dairy, fresh produce, frozen foods, and meats as well. And I must say that consumers are finding there are a lot of surprises.

I was called yesterday by one of our meat men who said: "Mrs. Peterson, we can't keep in liver since your poster has been up because it shows liver to be so very high in nutrients needed." But anyway, the plan gives the consumer the information at the point of purchase to be able to make the decision—the nutritious decision.

Again I must emphasize that this program is a test. We are trying it out to see if people respond to it. I feel even if people do not respond, that we are educating and beginning to set a plan for the future. The food industry—the whole food distribution and processing system—is getting more and more complicated. At the same time, we are having a higher degree of sophistication on the part of our consumers to understand. I am very proud that industry is voluntarily taking this step to try nutritional labeling, as a way of providing this information.

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*See Appendix 2, pp. 2271–2277.

We have had great cooperation on this program with all of the industry groups, with the consumers, and certainly with the Government agencies. So it has really pleased me no end that you, too, are interested in seeing how this goes. It is going to require a great deal of education, but we are educating for the future. We are not waiting until there is a crisis and then wondering how do we meet it. We are saying that this is a plan that could work. I think it is a very good one. There are many others and we cannot say which one will be used finally, but at least we are trying. That is a brief explanation of the system.

Senator PERCY. It was either a year or two ago that Margaret Mead said before this committee that "In all areas of technology we seem to have progressed in the United States except nutrition education." She said we have regressed so badly that we are way behind the level of knowledge of nutrition that the American public had in World War II when we were all very conscious of the necessity of preparing food of nutritional value and maximizing our food stamps and expenditures on the most nutritional things. She said we have regressed since then and she emphasized that industry had regressed.

Would you concur with this and what, generally speaking, is the food industry in America doing to counteract this trend and to better educate the public, especially since as it does control a very large segment of the news media in the form of advertising in magazines, newspapers, radio, and, of course, television?

MANY ETHNIC FOODS HIGH IN VALUE

Mrs. PETERSON. Well, I concur with that observation. I think that is true. In fact, since we started this program, it has been interesting to me to note how many comments I have had from people saying: "Look, our good ethnic foods that we were raised on actually are very good." With my own Scandinavian background, if you look at the nutrients in what my people used to call peasant food, you find that they are excellent. A woman called me the other day and said: "Mrs. Peterson, you mean to tell me that my meal of greens and chicken and watermelon is one of the best combinations?" And it is true. But, we have gotten away from that and we have become dependent on convenience foods. This is part of our great technology and it is what people have asked for, but I think there has been an overabundance of emphasis on convenience foods without the accompanying information on nutrition.

Now, one point about that is this: To put good nutrition in food costs money. This is another reason why I feel very strongly that the consumer must know what nutrients he is getting or not getting. I think that industry is somewhat at fault. I think the consumer is at fault, too, for taking all of this—we share the responsibility. But I think now we have a great opportunity to really move way from this. That is why I am very pleased that industry is voluntarily saying, "Look, let's take these criticisms and take these needs and let's meet them the best we can."

Senator **Percy**. Is there any way to reach all of the dietitians and the home economists and sort of marshal them into a force to engage in this crusade or is there a general mailing list of all of them or an association of home economists?

Mrs. **Peterson**. There certainly is, and I must say we are meeting with them. I met last night with the district chapters of the American Dietetic Association and the American Home Economics Association, 300 women, and we had a great and lively discussion on this question. I was very pleased with the unanimity there in the group. They are saying, "We have been so technical about understanding the milligrams and all these things that maybe we have not really translated it into common language to the average consumer." And I am very pleased that many of them are volunteering to assist us in giving this information. I think we can see a whole new surge of understanding.

I think one thing that is frightening, though, is that the faddists are moving into the food area and part of the reason is that there has been a vacuum. I think faddists move in where leadership has not been provided, and this is evident in this case. I think government can do a tremendous amount now. I think the Department of Agriculture home extension people have a tremendous opportunity to assist, especially in giving information through government programs, such as commodity distribution.

Senator **Percy**. I wondered if you feel that home economists would be interested in being kept up to date with the proceedings of this committee as it has been going on. We have another 5 months to go with our charge—6 months—and certainly we want to make our work a continuing and lasting one as much as we can and pass it on to private industry. So much of our economy is controlled by the private sector that we want them to help carry the crusade on. We want other Government committees to do it and I would also like to enlist home economists. There must be thousands of home economists who could feel a part of this effort and would be pleased to be contacted by the committee.

I might suggest to the chairman that we do that and have the staff see if they can prepare a summary of what we have concluded and then maybe survey them to determine what they can do to help carry on and find answers to some of the real problems that we have tried to reveal.

Mrs. **Peterson**. I think that is a splendid idea. By the way, they have helped us in the formulation of the plan that we are testing.

Senator **Percy**. Well, I appreciate your comment on that Mrs. Peterson, in view of the fact that the Department of Agriculture does have complete control over the packaging and contents of the commodities that they distribute, do you think it would be feasible and practical for the U.S. Department of Agriculture to include nutritional labeling on all of the commodities? These are USDA commodities right here.

USDA Could Include Nutritional Labeling

Mrs. **Peterson**. I think that would be absolutely splendid. It is a good idea. It seems to me that the Department of Agriculture has the competence. All the information we used has come from the Government and, as you said, if it is possible for the Government to give leadership in this, well. I think the possibilities are just limitless. One of the problems I have had with our program is that we only reach those who have the money or stamps to shop in a store. The USDA program reaches those who do not have the money. It reaches the migrants and the groups that all of us are very concerned about. I think it would be very splendid.

Senator PERCY. Wheat soy macaroni, for instance, I wonder—is there a white space on the back of that package or is it covered with printing? Do you know?

Mrs. PETERSON. All I know is that I have worked enough on the labels from inside industry to know that the label can be adapted. When you look at ours—you see that we still have all the information; we still have everything on there. The ingredient listing and the nutrition information are additions. I think it would be wonderful if a plain system could be on every commodity product. Now, whether it is this system or another system—it should be simple so people would know what is and what is not there.

Just as I came this morning, I was looking at that list of the commodities. It would help, it seems to me, to know if we have enough of the right foods in the program to meet the nutritional needs of people. It seems to me, just from a quick look at it, that the list is very heavy in carbohydrates. The extension people and the other people working in this program would know how they could balance this out.

Another point that you made at the beginning concerned the responsibility of Congress. Would not the nutrition information on these commodities make it possible for Congress to know whether or not this program is meeting the nutritional needs of the people who need it the most? Then they—the extension agents and the others—could help to assess whether or not the program is meeting the needs. I think it would be great. There is no reason why there could not be a simple statement of what nutrients are there and what are not there, as there is on the industry-produced label. But here it says, "Use this sirup" for such and such. That is fine just as it is, but it could also say how many nutrients are involved. The same thing on the Purina—how many nutrients are there—the macaroni, the corn. In fact, we have already done it for canned corn.

I would be interested in knowing the number of commodities that the Government has already worked out a nutritional analysis for. If the commodities were labeled, then a nutrition information plan could be tested by the people who need it the most. I think it is a fantastic idea.

Senator PERCY. Senator Schweiker, we are happy to have you here this morning.

NUTRITIONAL LABELING SHOULD SERVE AS PATTERN

Senator SCHWEIKER. Thank you very much, Mr. Chairman.

I just want to compliment the Giant Food group, as well as Ester Peterson, for a very dynamic and imaginative approach. I am very excited about what you folks have done and I think it should get not only national recognition but I hope it would serve as a pattern for other people to follow your lead. I know it took a lot of ingenuity. I am sure it took a lot of internal debate and argument, knowing how controversial nutrition can be, and I think in spite of these things you folks went ahead. So I am just delighted.

I feel Congress should recognize the lead that you and the company you represent have taken and I am very excited about the whole idea. Of course, I am one who believes that, perhaps, we at some point should legislate a nutritional labeling requirement in this area, but I think that you have shown that the private sector can be responsive and capable of leadership.

I would like to ask just a couple of mechanical questions as to some of the problems you had in setting the system up. How did you arrive at, say, the 10 unit system and what complications did you get into in debating that?

Mrs. PETERSON. Well, let me say, as consumer adviser to Giant Food, I have said that I will not recommend anything unless I have a competent authority who tells me that this is the right way. I am not a nutritionist and I am not a home economist. Neither is Mr. Danzansky and neither is our marketing man. But the Federal Government has these people and there are these professional groups. So we began by getting the Division of Nutrition at FDA and the Department of Agriculture. Both Commissioner Edwards and the USDA were very cooperative. We set up an advisory committee with Dr. Mayer as chairman, and the committee decided that we should adapt the nutrition system that was worked out by the National Research Council of the National Academy of Science.

Now, it is their recommended dietary allowance that we are using; it is not ours; but it was arrived at by the most competent authorities we could get. There is a lot of debate. In some systems you say what percentage. Other systems use different ideas. But we had consumer input on this and we have consumers testing it and trying it. For me, it is one of the most exciting experiences I have ever had. We had recommendations from food marketing groups and Congress that these things should be done. We were able to get Jim Turner, who wrote the "Chemical Feast," the Nader report, consumers, and people like Sid Margolis, for example—people really recognized in these fields as experts—to sit down and say that this is a national need and let's see what we can work out. This is how the plan was designed and it was a terrifically great experience.

Maybe it is not the right plan, but the point is, it shows it can be done, and by showing it can be done, we can improve on it. I would rather try this and get what I call the bugs worked out before we go to Congress. I had a rather long time working on the packaging bill, for example, and I have felt for a long time that if we had tried out a number of these things first maybe we might have come out with something better. But let us test this way and other ways, so that we will be able to judge which one is the best way.

Therefore, what could be better than for the Government to be the one to experiment with this kind of information and the way it should be done?

Senator SCHWEIKER. How long did this take from start to finish? When did you really get it going?

Mrs. PETERSON. It was one of the terms of agreement that I had when I said I would go to Giant, that I would have a chance to see if voluntarily we could work out many of these recommendations. So that was over a year ago. Our policy decision was made in Giant in November a year ago.

Senator SCHWEIKER. November of 1970?

A COOPERATIVE VENTURE IN LABELING

Mrs. PETERSON. That is right. Then we began meeting with groups internally to know what the problems were and then we began to meet with other groups. Our biggest meeting, when we got all the groups together, was in February of this year, but we had met with FDA before that. We tried to keep the Department of Agriculture informed so that it would be a cooperative venture. You know, it is competitive, but the point is, let's get it done and if our system is not any good let's get another one.

The point is, we have now shown it can be done and I think it would be very simple, it seems to me, for the Government to be able to move into this in the direct distribution plan.

Senator SCHWEIKER. When will it be fully operative?

Mrs. PETERSON. The test is fully operative right now. You should go into a Giant store and see it. I wish you would.

Senator SCHWEIKER. My wife has reported to me already and she is very enthused about it.

Mrs. PETERSON. It is only a test. I could not, in all conscience, say to a firm "Do this throughout," until we know it is the one the Government will approve, because you know the strict labeling requirements. We want to be sure it is accurate. This is why we were anxious for it to be a test. Dr. Johnson says he hopes by April that FDA will have the results of the testing and will come out with a recommended plan. I hope industry would adopt it; and I think it is essential that the plan be uniform throughout the country. I think it would be terrible if one firm adopts one plan and another firm adopts another plan. I would never approve of that for my firm. We must go along with what the best thinking is for the entire country, because we could not expect the processor to do one kind of analysis for one firm and another kind for another firm. We have to have a standard and it is up to the Government to set that standard.

Senator SCHWEIKER. What problems did you have with suppliers and other people that you do business with in terms of working this out? Were they relatively cooperative or was there a lot of legwork you had to do here, or what kind of reaction did you have from the people who had an input into your supply?

LABELING COSTS ARE NONCONSEQUENTIAL

Mrs. PETERSON. I think, on the whole, they were very cooperative. Really, I was pleased. I was a little afraid. I think if I had known all the problems, I might not have dared to go into it, because I am not a chemist or a nutritionist and I do not understand milligrams and all these things. It is the technicalities sometimes that bog one down.

Costs are always used as a factor, but then I talked with our label people and found out how often labels are changed anyway, so I found that not to be insurmountable.

I think the biggest thing was to get an agreement on the system, and there was not resistance; it was just a matter of how do we do it best. Remember, we had all the groups sitting down with it. We started off on two points—two things I wanted: The nutrition information and percentage ingredient labeling. We found at our meetings that percentage ingredient labeling is very difficult. As a result, we separated the two issues. We went ahead with nutrition information and we are continuing to work on the other.

There, we have industry sitting with us, all the suppliers—their representatives. It is going to take time, but we have shown it can be done.

The thing I think is also important is that there is a new and growing awareness on the part of our suppliers and the food industry that there is a new ball park. There is a sophisticated consumer today that is better educated and wants more information. These gals that go through the supermarket aisles are educated. They want the best for their families and that is why many, who have had the education, are moving into the faddist foods. We have a responsibility to step in and give information where it is not being provided.

Senator SCHWEIKER. What did you find were some of the practical problems in ingredient percentages?

Mrs. PETERSON. Whether you go by the recipe, for example; whether you go by the batch; whether ingredients are measured before the water is added or after; how you measure the nutrients; the difference of where the food is grown; how you can work out with industry ingredient substitutions in certain cases when it might be necessary. There are many real problems. Industry has some real honest problems with it.

But the thing that is good is that now we have consumers who have said before "We must have this now," sitting down with industry people and saying "They are right; there are problems; and let's work them out." But those are the technical types of problems that are there.

NEW NUTRITIONAL ERA OPENED

Senator SCHWEIKER. Well, again, I want to strongly commend Giant Food and you, Mrs. Peterson, for your leadership. I think we really have opened a door of a new era—I guess you could call it the nutrition era—of this country, and I think you people have taken the load, and it is good.

Mrs. PETERSON. I will tell Mr. Danzansky.

Senator PERCY. Mrs. Peterson, even though these are hearings on the commodity Food Distribution Program and confined to that subject, I cannot resist asking you one diversionary question.

In view of the fact that Mr. Choate made a startling revelation about breakfast cereals and nutritional value and lack of it some time ago, has there been any perceptible change in the sales of higher nutritional foods and any changes by the cereal manufacturers to increase the nutritional value of breakfast cereals?

Mrs. PETERSON. I will have to be honest with you. I have not looked at sales reports on how it is moving. I, myself, have felt that there is certainly more moving of the more nutritious foods. I am concerned when I see continuing advertising pressure for the heavy sugar items and things of this kind. I am personally disturbed about it; but I think I could not answer that accurately without getting sales reports, which I would be happy to try to get for you.

Senator PERCY. I would very much appreciate that information being provided to the committee if it is not too difficult you you to obtain.

Mrs. PETERSON. I can try to do it. I think the question on the cereals is an economic question; how much you spend for the nutrients you get.

Senator PERCY. Thank you very much for your appearance today. We appreciate it very much.

Our next witness is Michael Latham, professor of international nutrition, Cornell University; and Susan Bolger, nutritionist, material and infant care—children and youth's project, Boston, Mass. We will ask both of you to come forward.

STATEMENT OF DR. MICHAEL LATHAM, PROFESSOR OF INTERNATIONAL NUTRITION, CORNELL UNIVERSITY

Senator PERCY. Dr. Latham, I understand you have a prepared statement which you can either give or summarize, depending on what you prefer.

Dr. LATHAM. My name is Michael Latham. I am a physician and nutritionist. I hold the position of professor of international nutrition at Cornell University in Ithaca, N.Y.

I am both pleased and honored to be asked to testify again before the U.S. Senate Select Committee on Nutrition and Human Needs. In December 1968 I was a witness before this committee on the very first day it held hearings. Since I participated in the first session of this Select Committee, a great deal has happened on the nutritional scene, although I doubt that much reduction has taken place in the prevalence of malnutrition related to poverty in the United States. There has been a striking increase in public awareness of the problem of hunger and malnutrition in this country; there has been completed a so-called national nutrition survey, which covered less than a fifth of the States and which excluded some States where malnutrition is likely to be most prevalent; there has been a pledge by President Nixon "to banish hunger from this land for all time"; there has been a White House Conference on Food, Nutrition and Health which made many sound recommendations all too few of which have been implemented; and there has been a doubling of the number of persons served by the family food assistance programs.

COMMITTEE'S WORK RESPONSIBLE FOR IMPROVEMENTS

I strongly believe that this committee, through the dedicated work of its members and its chairman, has been responsible directly or indirectly for many of these encouraging events, and for some improvements in the lot of the poor and the hungry. Congress must be commended for having enacted legislation which has allowed the Government to expand certain food programs. I must acknowledge too that this administration has during its term in office done more in relation to food programs than has any previous administration.

Despite these achievements, there is still a long path ahead and a great deal that remains to be done. This committee has heard much testimony in the last 3 years but there have not previously been hearings on the direct distribution program, or the family food commodity distribution program as it often called. The reason for this is, presumably, that you thought that this program would not be much longer in existence. I certainly believed that the commodity program conceived in 1935 was sick, indeed moribund, and would soon be buried. In May 1969 President Nixon said that our "goal should be to replace direct food distribution with the revised Food Stamp Program." A year later the administration in its early enthusiasm for the Family Assistance Plan again foresaw the phasing out of the commodity program. However the date for implementation of the Family Assistance Plan, if enacted, has now been put off until 1973. This was announced by the President in his August 1971 economic game plan—a policy, incidentally, that gives much comfort to big business but very little to the poor of this Nation.

It is therefore anybody's guess how long the Food Distribution Program will be in operation. The program's obituary has often been written but its funeral may be long delayed. There is good evidence that certain politicians and vested interests will continue to fight hard for its retention.

Fundamentally a Bad Program

The program is one that provides food—some food, not enough or the right foods—for between 3 and 5 million Americans. It therefore deserves investigation and it warrants changes that can improve the diets and the health of up to 5 million needy Americans, 2 percent of our population. But as you look at this program and as we suggest measures that can be taken to improve it, I suggest that it is important to keep in mind that fundamentally it is a bad program, that it should be soon replaced, and that the changes suggested are only stopgap measures.

I participated in February this year in the followup White House Conference on Food, Nutrition, and Health. Secretary Hardin stated there that "never before in the history of mankind has a nation committed itself to cope with hunger and malnutrition on such a vast and unprecedented scale." I am not sure that this is something about which a nation should boast. I think that I am right in saying that none of the 16 countries—all industrialized nations—that have lower and better infant mortality rates than the United States—none of these countries have any programs like the U.S. food stamp or food distribution program. Most of them do not need to do so for they have taken care of the needs of their poor with adequate welfare programs. Therefore our goal should be to replace the family food programs with an assured and adequate income for the poor.

There is no good data to show that the poor spend their food dollars more unwisely than any other class of Americans. The underprivileged should not be provided either with scrip which allows them to buy food but not soap or medicines, as is the case in the Food Stamp Program, or be forced to survive mainly on 22 Government-selected food products, many of which might not be to their taste, which is the case with the family commodity program. Both programs should, in my view, be replaced. A Family Assistance Plan, if it was enacted and if it provided an adequate income, could serve to replace both family food programs.

PROGRAMS SHOULD BE UNDER HEW

A second major objection that I have to the existing food programs, and one that I voiced to this committee in 1968, was that these programs should be under the jurisdiction, not of the U.S. Department of Agriculture, but, of the Department of Health, Education, and Welfare. Similarly, the food programs should not be under the purview of the agricultural committees of the Congress. I firmly believe that despite vast improvements in USDA since the establishment of the Food and Nutrition Service, there still remains a conflict of interest in having the same department looking after the interests of farmers and feeding our poor and our children. Food programs should all be based on nutritional needs and not on food surpluses and similar economic factors. It seems to me very wrong that the 1972 budget provides $4.2 billion for farm subsidies and farm support—most of which will go to large or corporate farmers—and that this sum is twice the amount budgeted for family food programs.

UNBELIEVABLY SHOCKING ADMISSION . . .

The administration has proposed the transfer of the Food Stamp Program from USDA but not the commodity program. In answering the recommendations of the White House Conference that this program be transferred, the USDA stated "These commodity programs are of a different kind" and that their primary function is "to balance the agricultural economy" and that they serve "a different constituency than that concerned with health and nutrition." These are direct quotations from the department of this Government that is charged with banishing hunger from this land. To me it is an unbelievably shocking admission that these nutrition programs are, in 1971, still considered by this Government as having a primary goal of helping the agricultural economy rather than of assisting malnourished children and the hungry poor.

My third major objection is that these programs, despite improvements, are still run in a manner to make them convenient for the bureaucracy and with minimal consideration for the convenience, the dignity and the needs of the recipients. Examples of this, in relation to the Food Distribution Program, were given yesterday and will be given later in this testimony.

NUTRIENTS IN FAMILY COMMODITY DISTRIBUTION PROGRAM

USDA has reported that in March 1971 there were 3,973,585 persons enrolled in the family commodity distribution program. The program existed in 1,231 jurisdictional or administrative units—counties, cities, Indian areas, et cetera. The programs are in general operated under agreements between State agencies and the Federal Government in Washington. It is usually the county or other unit which requests participation, determines which citizens are eligible to benefits and bears the local costs of transportation and distribution.

The family commodity distribution program does provide needed food to poor Americans and it does in this way economically assist nearly 4 million persons. Until the limited use of completely free food stamps for the very poor was sanctioned, the commodity program was the better of the two programs for those with very low or no incomes. The Food and Nutrition Service of USDA has in recent times improved the program and has made a commendable effort in providing educational material which helps recipients to utilize properly the foods, and to obtain a balanced diet. Testimony however serves no useful purpose if it simply lists what is right about a program, and in the family food commodity program there is certainly much that is wrong. The criticism which follows is designed to be constructive and to suggest a means of improving the program. The faults are due as much to actions, or inactions, of local agencies as they are to USDA. However, Federal standards could be set and policed by this Government that talks, so often, of law and order. If these standards are not adhered to, then offending counties should not be entitled to any USDA assistance, either for farmers or for commodities.

CANNOT RELY ON PROGRAM FOR COMPLETE NEEDS

The USDA in February 1971 listed 22 food items that were then available in the family commodity distribution program. In round figures the estimated monthly cost to the Government for these foods, if all were available, was $9 and the value to the recipient was about $16. The products available, the maximum amounts that can be issued per person, and the percentage of recommended nutrients that these provide, is given in table I* of the printed testimony that I have handed out, which is based on information supplied by USDA. These figures provide the promise, the rare ideal situation, in which all foods were available and were consumed, with no loss or wastage. The USDA in its calculations uses a four-person family consisting of a man and woman both aged 22–35, a boy aged 11 and a girl aged 8. In this ideal situation the commodities provide 78.6 percent of recommended allowances for calories, 77.5 percent of vitamin A needs and more than 100 percent of the allowances for protein, calcium, iron, vitamin C, thiamin and riboflavin. The promise looks quite good, except in terms of these two nutrients; vitamin A and calories. In this ideal situation, only about three-quarters of the recommended allowances for calories are supplied by food commodities. If a child consistently receives this level of calorie intake his growth will be very adversely affected and if an adult gets below his calorie needs he will either lose weight or reduce his energy or work output. The USDA protects itself by calling this a supplementary food program, but there are American families enrolled in the program who have no income and others who have very low incomes. I am certain that during your hearings you will hear of persons who rely almost entirely on this program for their food needs.

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*See Appendix 2, p. 2278.

It is important to make it very clear that this ideal situation with the full amount of the 22 commodities being received is very rare. I doubt if 10 percent of the nearly 4 million Americans in this program receive the full amount of all the foods each time they collect their commodities. There is nearly always a gap between promise and delivery in the family food commodity program.

What then is the usual situation; what is the norm as far as delivery is concerned? This is difficult to find out because complete figures are not available which give the foods distributed and the family composition of the recipients. Without this information accurate estimations of percentages of recommended allowances of nutrients supplied is not possible. This Senate committee could, perhaps, ask USDA to obtain and provide these figures, not based only on foods permissible or foods delivered, but in terms also of family size and composition.

Despite the lack of definitive statistics for the Nation, it is possible to make reasonable estimates and to get figures for certain counties or cities.

Actually Receive 30 Percent Less

For example, it was reported that in the first 6 months of 1970 each individual was entitled to receive 36.7 pounds of commodities monthly with a mean market value of $14.90. In fact, the average recipient got only 70 percent by weight of his entitlements and worth only 75 percent of the stated cost. These figures may not look bad in themselves but when transposed into nutrients, they begin to show the nature of the gap between promise and delivery. Assuming that the 30-percent reduction in food weight affects all nutrients by this same amount, then the following situation results: The calories provided now are 56 percent, the vitamin A is 55 percent, and every one of the previously listed nutrients, including protein, the minerals and vitamins, drop below 100 percent of the recommended dietary allowances.

A few days ago I received the USDA figures on nutritive value of foods offered and foods actually distributed in this program in June 1970. These, again, are for the USDA family of four and include 26 foods then available. This shows that average nutrients available to participants as distributed to be very similar to my estimate (see column 2, table II*).

The USDA figures do not allow for food spoilage and food wastage, phenomena that are inevitable in the best managed households. In homes of the poor where refrigeration is limited, where rats and other vermin are common, and where good storage facilities are inadequate, these phenomena become important sources of food losses. A loss of

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*See Appendix 2, p. 2279.

10 percent of nutritive value due to these causes would probably be a low estimate.

Then there is the question of food preferences and tastes, and the ability of each family to fully use the foods provided. Not all people like prune juice and corn grits, not many families can use corn sirup as their only sweetening agent, and probably rather few families fully utilize all their wheat flour or bulgur to give three examples. A conservative estimate would be that 10 percent of foods available are not utilized because of food preferences, food habits, culinary problems, et cetera.

Wastage and nonutilization, together, may then account for a 20-percent loss of nutrients. In table III* I give figures of what this would produce. The USDA hypothetical family is now down to about 48 percent of its calorie allowances, 58 percent of calcium, around 70 percent of iron, vitamin A, riboflavin, and ascorbic acid, and around 80 percent of its protein and thiamin allowances. What if the family concerned differed from the hypothetical USDA family and consisted of an adult man engaged in a very active job such as that of a farmworker, a pregnant or lactating woman, and two teenage children, instead of the two preteenage children in the USDA family. The nutritional needs of this four-person family will be 20- to 30-percent higher than that of the USDA family. They would receive the same quantities of food and so the percentage of the nutrient requirements they receive is much lower. This family would be getting—and this is shown in the fourth column of that table—perhaps 39 percent of its calorie allowances, 47 percent of calcium, less than 60 percent of iron, vitamin A, riboflavin and ascorbic acid, and about 65 percent of its protein and thiamin allowances. These figures presented in table III are admittedly very rough estimates. Clearly, food waste would be greater with certain foods rich in particular nutrients whereas my arithmetic is based on across-the-board reductions. But these are ball park figures which I believe may be about average for the type of family listed. There are certainly hundreds of thousands of those on food commodities getting much less than my estimates. I think it is important also to remember that when the USDA says that the "average" commodity user is getting 60 percent of his allowances for calories, this means that half the 4 million recipients are getting less than 60 percent. My figures have not included losses of nutrients in cooking, in exposure to sunlight, and in many other ways.

NEEDY FAMILIES CAN'T PURCHASE SUPPLEMENTAL FOOD

Because we know that there are families who rely mainly on commodities for their entire food supply, there are certainly many who have dangerously low intakes of calories, proteins, vitamins, and minerals. The cost to such a family of raising its nutrient intake to 100 percent of the allowances by purchasing the rest of its food in the market would be between $60 and $80 per month. Many families do not have, or do not spend, this amount. They are almost certainly endangering the proper growth and development of their children and the health of all members of their family.

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*See Appendix 2, p. 2279.

It should also be realized that the very nature of several of the commodity foods, necessitates the purchase of other items, often relatively expensive ones, if the foods are to be properly used. Thus, wheat flour cannot be used alone. Even to make bread it requires yeast and other items which have to be purchased.

SITUATION IN TOMPKINS COUNTY, N.Y., IN 1970

Let me now move from the hypothetical and from the guestimate, to the situation in my home county in upstate New York. I rely for much of what I say here on my colleague at Cornell, Dr. Lillian Emmons. She, with the League of Women Voters in Tompkins County, studied the commodity distribution program there and helped improve it. I would like at this point to ask permission to enter into the record[*] a short paper given to me by Dr. Emmons and prepared by a committee of the league. It is entitled "The Commodity Distribution Program in Tompkins County, New York: A Program for the Nonworking Poor With a Car." I will be referring to this report in the next part of my testimony.

The family commodity program in this part of New York State was phased out a year ago and the county is now in the Food Stamp Program. While it was in operation in Tompkins County, the food commodity program was probably superior to that in three-quarters of the other counties or jurisdictions in the United States. Ithaca, the county seat, is a university town; New York State has a reputation for providing good social and welfare services; the community has many organizations which act as a watchdog for the poor; and mobility among the poor is not great so that people get to know and to assist one another.

In Tompkins County recipients of food commodities could collect them only from the distribution center in Ithaca. In 1970 there were usually only 18 of the commodities available. Bulgur, corn grits, cornmeal, and macaroni were not available. Several important food commodities were supplied in smaller quantities than the amount permitted or suggested by USDA. A superficial look at the list and quantity of commodities supplied per person per month might suggest that the poor were being well served. The situation was certainly better than in many counties in other States where often only about half the listed commodities are available.

In table IV[†] figures giving the amounts by weight of commodity foods supplied in Ithaca and their nutritive value are presented. This table was prepared by Dr. Emmons for this hearing and it is based on actual data for January 1970 in Tompkins County. The figures in the bottom line are most revealing. The "promise" of USDA was 78.6 percent of calorie allowances, the delivery in Tompkins County was 44.8 percent of calorie allowances. Protein delivery is 71.8 instead of 139.7 percent promised, and similar reductions are found in all vitamins and minerals listed, none of which supplied more than 65 percent of requirements. These figures are again based on the USDA model family.

[†] See Appendix 2, p. 2280.
[*] See Appendix 2, p. 2281.

If a Tompkins County family had teenage children, a pregnant or lactating woman, an ill person with special needs, a man undertaking heavy physical activity, then the percentages become very much lower. And these figures showed very similar supplies of the various nutrients to that shown in my estimates in the previous table.

FAMILIES RECEIVED ONLY ONE-THIRD NEEDS

There were also some food items which families did not like or found difficult to use, and there was the inevitable wastage, plate loss, spoilage, and so forth. It is our view that many families in this county got only one-third of their nutrient needs from this program. This is in a county which is socially conscious and where a relatively good job is done in poverty programs. I hate to think what the position is in some counties where the minimum possible is done for the poor.

Certain of the foods supplied were very popular and others were not. Cheese, butter, meat (both chicken and pork, but not the strong tasting chopped meat), the peanut butter and the canned fruit were among these. The nonfat dry milk was often of a kind that was difficult to mix and which was not to the taste of many children. The nonconsumption of the milk available may have serious implications in terms of protein, calcium, and riboflavin intake of young children.

The milk comes in this type of a package [indicating], and it would be easy to see that if, in a package of that size, only one-third was used—because the rest was contaminated or had vermin in it—the nonutilization of three-quarters of that package would have serious impact on the nutrients provided for the children.

The wheat flour was of a heavy variety and recipients found it difficult to bake with. Orange juice was practically never available and the dehydrated potatoes were often not well liked. If these two items are not consumed by a family, then the other commodities would provide often 8 percent or at most 20 percent of allowances for vitamin C. If fruits and vegetables were not then purchased by families, there was a real danger of serious vitamin C deficiencies arising. Fresh fruits and vegetables are particularly expensive food items, and often exorbitant in the winter. Corn sirup was usually taken but it is clearly not the most satisfactory or easy to use sweetener.

Recipients in Ithaca had to go to the Army Reserve Center on the second Monday of each month to collect their foods. One day a month was set aside for this. For part of 1970 the armory was wanted for some other purpose and its garage was used as the food distribution center. There were usually about 450 families registered, yet the total number eligible in the county as estimated by the League of Women Voters was about 3,200, a participation rate of less than 20 percent. Some people had to travel for as much as 4 hours in total time to get to and from the center and the median time spent was 1½ hours. The poor are not meant to have assets, yet there is little provision made for them to collect food commodities without their own transport.

The distribution center was officially open from 9 a.m. to 4:30 p.m., but sometimes the food truck had not finished unloading until 10 a.m. Some persons had to miss part of their workday and lose some pay in order to collect their commodity foodstuffs.

Children Unwelcome at Distribution Centers

As is the case with many commodity distribution centers, children were very unwelcome. Several families had difficulty in arranging for the care of their children. Ithaca has very cold and snowy winters, yet there was no protected and heated waiting area. Recipients waited in their cars and then lined up in the cold. They, and their children, often came without protective footwear, and stood for long periods in deep snow or melting slush. Waiting time varied enormously but was usually about 1½ hours, but occasionally as much as 3 hours. Applications for the program were made at only one place in the county and to one person who sat in front of a Snoopy poster. This had a caption reading "I love mankind, it's people I can't stand," a rather sick joke that many recipients probably believed was the true belief of the supervisor.

As a result of a questionnaire, results of which appear in the report prepared by Dr. Emmons and the league, it was clear that recipients favored more days of distribution, more help to pass out the food faster, more distribution centers close to where people live, and a more systematic means of food distribution.

I paint this picture, based on the study of Dr. Emmons and the League of Women Voters, to provide a view of what it is like at one of the better centers in an "enlightened" State. Getting food commodities may involve problems of transport, of child care, of losing work and pay, of long waits, of shivering parents and half-frozen little children, of indignities, of being pushed around, of fighting a bureaucracy, and at the end of the line, of finding that items you are entitled to, or expected, are unavailable.

Program Simple for Bureaucracy but Difficult for Poor

It is clear to me that, at the local level, this, like other programs, is made as easy as possible for the bureaucracy and as difficult as possible for the poor recipients. There are certainly many possible reasons for this. One is that both Federal and local governments, despite their many claims to the contrary, wish to reduce the total cost of programs by keeping the number of participants well below the number eligible to participate. In Tompkins County, I mentioned that 20 percent of those eligible were participating. The Federal budget for the next financial year provides funds for 12 million people on food stamps, when 20 million may be eligible; and it provides for free or reduced-price lunches for perhaps 70 percent of children in need. Similar efforts are made at the local level to discourage maximum participation.

A second important reason is that many local and Federal officials and politicians still regard the poor as lazy and feckless, and consider that it is creeping socialism to support programs that feed hungry children. It is strange that these same officials and politicians believe it is desirable, even commendable, to subsidize wealthy farmers. These are just two of many reasons why minimal assistance is given to allow the poor to benefit fully from programs to which they are legally entitled.

Public libraries stay open at night to serve those who work or go to school during the day; why cannot food stamp and food commodity centers do the same? The Department of Defense recruits on television for the armed services, and the Department of Transportation puts on TV, spots and announcements for road safety. Why does USDA never use radio and television to encourage the poor to enroll in food programs?

Why do commodities have to be taken for a whole month at one time when transport and storage are problems for recipients? Why can they not be taken once a week or more frequently? A family of six will receive about 180 pounds of food at one time. The poor often live in very crowded and small houses, apartments, or rooms. They have few cupboards and small or no refrigerators. Storage presents a real problem under normal circumstances, but who can properly store a whole month's supply of food? When much of what is being stored consists of items like flour in relatively flimsy containers, the dangers of rodents and other vermin getting at the products during the month are very high.

CONVENIENCE FOODS

The most important, and one of the earliest convenience foods to enter the market was bread from the bakery. The food commodity program participant is supplied with flour and is expected to bake bread. It does not matter if the recipients are a working woman or a disabled single man; whether a senile couple or a chronically ill woman with no oven in her home, she is still expected to bake bread.

Wheat flour is one of the most important commodity foods, providing 11.4 percent of total recommended allowances for calories, 15 percent of protein, 18 percent of iron, 14 percent of riboflavin, 27 percent of thiamin allowances, as well as other nutrients. In many U.S. diets, bread is a widely eaten food and may provide similar percentages of the total nutrient intake. There are practically no American households today who bake all their own bread on a regular basis. It is a time-consuming and unnecessary procedure. For some reason, the poor are meant to have that time.

There are, of course, other dishes that can be made with flour, but they, too, require time and expensive ingredients which may need to be purchased. Those who devised and continue to run the food commodity program have ignored this element of convenience. I would suggest that with a little ingenuity, a system could be devised, at least in the urban centers, whereby some of the flour from the family commodity program could be provided to bakeries who would in turn sell bread at greatly reduced prices to entitled commodity recipients. Already, I understand, wheat flour from the commodity program does go to bakeries for use in schools and institutions. These same bakeries could be used to extend the use of bread to families. This would lead to a great saving of time for many families and would almost certainly result in a better diet. Why should the poor be forced to live a 19th centry life, baking their own bread, while the rest of us move toward the 21st century?

But here we might question why other convenience foods are not included among food commodities supplied. In fact, there seems to be a tendency to supply inconvenience foods. Much of the nonfat dried milk has been of a kind that is very difficult to mix, and which when mixed does not taste like fresh milk. There are available good types of powdered milk which are simple to mix and which do taste like fresh milk. USDA should insist that only these better instant milks are used.

Why is corn sirup the only sweetening agent? This really is not the ideal substance and is not what people would choose to use. In Tompkins County, fruit juice frequently was not available among the commodities. When it was supplied, it was often grapefruit, not orange juice. The grapefruit juice was of the red variety, which people did not like because of its color. It was also unsweetened, and we wonder whether recipients really would mix corn sirup with grapefruit juice.

WHY NOT VEGETABLE OIL MARGARINE?

Why is butter the only spread supplied? Most nutritionists agree that because heart disease is our No. 1 killer, it is far better to use margarine made from vegetable oils (other than coconut oil) and that this would contribute to lower levels of serum cholesterol and a reduced risk of coronary heart disease. Do farm lobbies perhaps determine what the poor eat?

There is much more that could be said about eligibility and certification, and abuse of these at the local level; about the need for special consideration for certain groups of citizens such as migrants and Indians; about the facts that the program takes little cognizance of important ethnic and regional food preferences; about the desirability of moving away from the concept of using mainly "surplus" foods; and about the need for special and different programs for the old and the sick and for the poor who have no cooking facilities.

I hope that other witnesses will have covered these points. A number of them are touched on in my recommendations which follow.

I wish to make it clear that there have been marked improvements in the commodity distribution program as administered by USDA in recent years. The Food and Nutrition Service of that Department has a number of dedicated individuals who are working hard to serve the needs of the poor. I have in the last few days, when preparing this testimony, received the courteous help of persons in USDA, and I would mention here that Mr. Stephen Hiemstra, Assistant to the Administrator of the Food and Nutrition Service, willingly supplied the material and information for which I asked. My criticisms are not directed at the Food and Nutrition Service, and many of the criticisms and recommendations that follow need to be acted on not only by USDA, but also acted on by Congress and people at the local level. I believe, however, that the recommendations I make are constructive, and if implemented would lead to a program which would better meet the nutritional needs of the poor and would do this with some needed compassion.

TOTAL OF 13 RECOMMENDATIONS

1. *A shift of responsibility for nutrition programs from USDA to HEW be made.* Responsibility for all federally supported programs designed to improve the nutritional status of the poor should be taken over by the Department of Health, Education, and Welfare. I would include school feeding and the

food commodity program in this recommendation even though USDA views the objective of these programs as "balancing the agricultural economy."

2. *Introduction of uniform Federal eligibility and certification requirements.* There is a need for national eligibility and certification criteria. Currently much is left to the counties and in some respects one local official determines eligibility or non-eligibility. These standards should be liberal and should be strictly enforced.

3. *Changes be made in the definition of "surplus" and in the foods available in the program.* Regulations at present appear to require that foods "be in soft market price condition" and hence needing price support, or to be declared surplus, before they can reach the poor through this program. The Secretary of Agriculture should have the power to buy foods for this program with the objective of meeting the nutritional needs of the poor irrespective of other considerations.

4. *The Federal Government itself administer food programs in delinquent counties.* The Federal Government should have the authority, and exercise it, to administer food programs in those counties and areas where local authorities refuse to, or do not, satisfactorily run food programs for the poor. Standards and guidelines for this should be prepared.

5. *The family food commodity program should aim to supply families with food providing 100 to 125 percent of recommended dietary allowances for nutrients.* The reasons for this have been stated earlier. This would allow for spoilage, normal wastage and other reasonable losses, et cetera.

6. *That the Government use the mass media to assume maximum registration of those eligible to participate, and to provide the public with information about nutrition and food programs.*

7. *That the Government use to a much greater extent, than is currently the case, the services of volunteer organizations for its food programs.* There is a wealth of talent and a host of concerned citizens in many different volunteer organizations. They could provide a tremendous amount of help with the administration of food programs and with measures that could improve the nutritional status of poor Americans.

8. *That both the Food Stamp and the Family Commodity Distribution Programs be available together in the same areas.*

9. *That the poor, and the beneficiaries of the programs, be involved in their planning and administration.* Currently if the Government was to undertake some new agricultural program in a county it would consult with farmers. The same principle of involvement of participants should apply to food programs.

10. *That convenience foods be increasingly included among food commodities.* Time is an important commodity for the poor especially if they are trying to break out of the cycle of poverty. As suggested earlier, bread and other convenience foods should be available.

11. *Food distribution centers be open more often, at more convenient hours, and foods should be available weekly.* Distribution centers should be open at a minimum of once weekly if more than

100 participants are involved, and for at least 2 hours later than the end of a normal working day. Where it is more convenient for the recipient, food should be available on a weekly basis, rather than only once a month as at present.

12. *A system of national registration be adopted and that other means be found to assist migrants to benefit from the program.* Steps should be taken to waive several existing regulations to allow migrants to participate fully in this and other food programs. Special attention needs to be paid to U.S. possessions, such as the Pacific Islands, Puerto Rico, and the Virgin Islands.

13. *The Senate Select Committee on Nutrition and Human Needs determine the mechanism by which USDA selects commodities for the program.* I am still uncertain on what basis foods are included, and excluded, from the program. Who makes the decision in USDA and on what basis? It is clear that the decisions are not made with nutritional needs in mind. I recommend that this Senate committee determine who is making these important decisions on which the health of nearly 4 million Americans depends. I humbly suggest that you, as Senators, take steps to alter the present machinery, although I fear that you may meet strong opposition from certain Senators and Representatives who are well entrenched in the agricultural committees of the Congress.

These recommendations are neither complex nor far fetched. If I were czar of USDA I would go beyond them and recommend more sweeping changes. I believe that a computer program should be prepared for this food program. This could include the nutrient needs of families of different sizes and ages. For each "family type" alternate print-outs of what amount of food commodities they would take in different combinations to allow for food preferences and to supply recommended amounts of nutrients would be available. Families then would be allowed some choice and would be assured of getting foods that would provide for their nutritional needs.[1] The official answer to this recommendation will probably be that it is too complicated and too costly. Fighting corn blight is also complicated and costly, and so is the war in Southeast Asia.

Conclusions

In conclusion, Mr. Chairman, I am suggesting changes and improvements in the food commodity program. I am at the same time saying that it is a bad program and should be entirely replaced by some scheme which would assure an adequate income for the poor. A program giving away surplus foods tends to demean the poor. It was good in Biafra in an emergency, but even there the Nigerian Government is now providing funds, not food, to make the people self-sufficient again in agriculture and in other ways.

The U.S. Government has relatively ignored, and continues to neglect the diseases that are especially prevalent among those who are black or who are poor. One example of this is lead poisoning, a disease related to peeling walls in overcrowded tenements. Lead poisoning results in more deaths and more serious disability that did polio in its epidemic days here. Polio became the focus of a well-funded national program for its successful elimination, yet no comparable effort has been made in respect of lead poisoning. A second example is sickle cell disease, a condition prevalent among blacks, and exceptionally rare in Caucasians. Efforts in research, treatment, and control have been pitifully limited whereas major efforts have been made with Federal funds to conquer such diseases as PKU and cystic fibrosis which are less common than sickle cell anemia, and which are not confined to black Americans. A third example is drug abuse. When addiction was mainly a problem in places like Harlem, Watts, and Roxbury, it was given limited attention. Now that it has become a problem of white suburbia and of the military we see a national concern, greatly increased funds for research and control, and even moves to reduce penalties for the possession and use of drugs. While it was mainly a problem of the black and the poor it did not much concern the Nation.

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[1] NOTE.—A commercial firm, the Hunt-Wesson Corp., developed a computer menu plan based on recommended allowances of nutrients. This was used by millions of budget conscious Americans and proved the feasibility of such a program.

My fourth and last example is, of course, undernutrition. This is likely, in this country, always to be a problem confined to poor Americans. Unless attitudes change, unless a new spirit is born, this problem too is likely always to be relatively shortchanged. Funds for investigation and control of the problem will continue to be grossly inadequate.

I ask that the four tables, submitted in my prepared statement, be made a part of this testimony; also I will submit a paper by Dr. Emmons also to be inserted in the record.

Senator Percy. They will be included and made a part of the printed testimony.[*]

Dr. Latham. Thank you; I also remember that President Nixon in May 1969 used these dramatic words:

> That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable * * *. Something very like the honor of American democracy is at issue * * *. The moment is at hand to put an end to hunger in America itself for all time.

I cannot disagree with one word of that statement, but I wonder how long I must wait to see the closing of the edibility gap. Thank you, Mr. Chairman.

Senator Percy. We are very grateful, Dr. Latham, for such perceptive testimony and for the specific recommendations that you have made, including a challenge to this committee, and we certainly will follow through on that.

Before questioning you, perhaps it might be well to ask Miss Susan Bolger to give her testimony and then we can question you together.

STATEMENT OF MISS SUSAN BOLGER, NUTRITIONIST, MATERNAL AND INFANT CARE—CHILDREN AND YOUTH'S PROJECT, BOSTON, MASS.

Miss Bolger. Thank you. I should like to make my statements very brief as I understand it is getting late. I will submit my prepared statement for the record.

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[*] See Appendix 2, pp. 2278–2281.

Senator Percy. We will receive it and include it in the printed record.

PREPARED STATEMENT OF SUSAN BOLGER

My name is Susan Bolger. I work as a public health nutritionist in the Boston Maternal and Infant Care—Children and Youth Project, Allston-Brighton unit. There, my patient-clients are primarily young families who fall into several main groups: Irish, Italian, Cuban and old New Englander.

As background I should like to submit parts of a study done in Wisconsin last January. The findings can appropriately be introduced as relevant to the purpose of these hearings, perhaps providing some background to the recommendations I shall make.

THE COST OF FOOD FOR A LOW-INCOME FAMILY OF FOUR WITH AND WITHOUT FEDERAL FOOD ASSISTANCE PROGRAMS

(Prepared by: Susan Bolger, Graduate Student in Public Health Nutrition Training in Wisconsin State Division of Health, District #3)

Appreciation for guidance and cooperation is extended to Miss Vera Kerstell, district nutritionist; Art Witherall, AFDC Unit Supervisor, County Social Services Department.

INTRODUCTION

Everybody suspects that the Welfare check gives a family very little spending power for food, but just how inadequate is it? How vital are Surplus foods in the month's menu planning and purchasing? How much flexibility do they allow? How much of a monetary bonus do they provide?

And what might happen if the County changed to the Food Stamp Program? Would it mean that the family could get more food, or would it impose more problems than the present Program? And how does the Free School Lunch Program fit into the picture?

These questions were ones to which we had only intuitive answers. We wanted documentation on which to make recommendations or to provide direction for future programs contributing to the betterment of the County's poor. In addition, we anticipated that such a study could have many uses, including the following:

Show in dollars and cents that a poor family in Fond du Lac cannot eat adequately on the present Welfare allotment.

Provide information to the community to help support changes in Welfare procedures.

Furnish an example of Commodity "middle-class" menu planning, budgeting and meal patterns for use by Social Service Homemakers, AFDC mothers, social workers.

Emphasize to social workers the need for Welfare families' participation in Federal food assistance programs, as well as illustrate the dollar-and-cents benefits to both workers and clients.

Begin to build a communications liaison between the Social Services Department and the District nutritionist.

Furnish "idea material" for future programs.

MATERIALS AND METHODS

The first step involved becoming acquainted with Fond du Lac's Department of Social Services, with the types of problems the Welfare families encounter, and with the services presently provided. The Assistant Director and the head of the AFDC unit each granted interviews to talk about organization structure, funding, and the uses a report might serve. In addition, the head of the Welfare group, "Mothers Forward", gave suggestions about how families do get along in procuring and managing food as well as the kinds of other expenses that end up coming from food money . . . these included the telephone charges, clothing costs above the clothing allowance, membership in school clubs, participation in athletic courses, bus fare, movies or soda fountain snacks, and even the milk and crackers grammar school children have in the morning.

Then an imaginative "reference family of four" was used to represent a typical Welfare family—a mother, a teenaged boy and girl, and a nine-year-old child. The food needs of such a family were computed using guidelines according to the "Low-Cost Plan:" in Home Economics Report #20, 1962 (see accompanying chart). It is geared toward the non-southern American family and is nutritionally adequate for indefinite periods of time.

These quantities of food satisfy the 1958 *Recommended Dietary Allowances*[1] which call for larger amounts of protein, calories, and Vitamin C with smaller amounts of Vitamin A, iron and no recommendation for iodine—all critical nutrients among low-income people. In view of the findings of the National Nutrition Survey,[2] the choice of using the generally-higher 1958 *Recommendations* was made. We aimed toward large enough quantities of "good" food to *protect* individuals from potential dietary deficiency diseases or to *correct* deficiencies which now probably exist.[3] In planning such menus, high-iron foods and the use of iodized salt need emphasis.

The third step involved costing basic foods at a local supermarket. In Fond du Lac the Super Valu store has a central location, accommodates many AFDC recipients, and seems to feature some of the lower prices. The days of Thursday and Friday, January 14 and 15, were used to price items within each food group.

A master menu (Menu #1) using USDA "plentiful foods for January"[4] was prepared with the intention of easily adapting it to substitutions with Commodity foods (Menu #2). The pattern mimicked very conventional "middle-class" meal plans for ease of costing as well as because Welfare recipients should be able to eat the way most Americans can. No matter what meal pattern an individual family chooses, the full quantity of food must be purchased in order to adequately feed the parent and growing children. Menus which eliminated the packed lunch were also planned under both non-Commodity and Commodity plans (Menus #3 and #4). In spite of careful menu changes, some of the cereal products given in the Commodity Program were not used (flour, oatmeal, rice, cornmeal). Bread was baked only if the family was provided with flour under the Commodity Program.

Finally, each menu was carefully costed. The portions roughly followed the "Basic Four" and used up the quantities of food included in each group. All items were calculated as directed in Report #20. Estimates of "as purchased" meats anticipated cooking losses and reasonably-sized servings. (See Shopping Lists for Menus #1 and #2.) Then Menus #3 and #4 were costed to find out how much packing a lunch bit into the food budget.

The market value of the Commodity foods available for January was also found by pricing similar or equivalent items, e.g. "Spam" for the chopped meat, the equivalent amount of meat from fresh chicken, or fresh eggs (see Price List).

MENU NUMBER 1—FAMILY RECEIVES NO ASSISTANCE

MONDAY

Fresh Orange
Oatmeal with re-pasteurized milk*
Toast and Margarine
Hot Chocolate*

Cheese Sandwich
Apple Vanilla Cookies
Milk†

Baked Ham
Spinach with Cottage Cheese Roast Yams
Orange Biscuits* Margarine
Bread Pudding*

*†See footnote at end of table.

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[1] See Sebrell, W. H., Jr., "The New Recommended Dietary Allowances," *Nutrition Reviews*, 26:12, December 1968.

[2] Schaefer, Arnold E., and Johnson, Ogden C., "Are We Well Fed? The Search for the Answer," *Nutrition Today*, 4:1, spring 1969.

[3] Todhunter, E. Neige, "School Feeding from a Nutritionist's Point of View," *American Journal of Public Health*, 60:12, 2302, December 1970.

[4] Stare, Rosemary T., *Consumer Marketing Information*, University of Wisconsin Cooperative Extension Programs, week of January 10–16, 1971, mimeograph.

TUESDAY

Banana with Orange Slices
Pancakes* with Syrup
Hot Chocolate*

Ham Sandwich
Apple Orange Biscuits*
Milk†

Split Pea Soup
Meatloaf* with Green Pepper
Carrots Baked Potato
Bread with Margarine
Gelatine with Fruit

WEDNESDAY

Grapefruit Half
Oatmeal with re-pasteurized milk*
French toast* with Syrup
Hot Chocolate*

Deviled Egg Sandwich
Celery and Carrot Sticks
Milk† Vanilla Cookies

Pork Roast
Green Beans Oven-browned Potatoes
Stewed Tomatoes Oatmeal Muffins* with Margarine
Baked Apple

THURSDAY

Banana
Cinnamon Toast with Margarine
Hot Chocolate*

Ham and Cheese Sandwich
Orange Oatmeal Muffins*
Milk†

Split Pea Soup
Fried Liver with Onions
Broccoli with Margarine Cottage Potatoes
Vanilla Pudding* Sugar Cookies

FRIDAY

Grapefruit Half
Oatmeal with re-pasteurized milk*
Toast and Margarine
Hot Chocolate*

Deviled Egg Sandwich
Green Pepper Strips Carrot Sticks
Milk† Sugar Cookies

Cottage Cheese with Fruit Gelatine Cubes
Tuna Casserole* Green Peas
Bread and Margarine
Apple Betty

SATURDAY

Sliced Oranges
Cottage Cheese Pancakes* with Syrup
Hot Chocolate*
Macaroni and Cheese*

Breaded Tomatoes
Escalloped Potatoes*
Celery and Carrot Sticks
Plain Cup Cakes*

Chili and Beans
Cole Slaw Fried Potatoes
Bread and Margarine
Butterscotch Pudding*

SUNDAY

Grapefruit Half
Scrambled Eggs* Hash Browns
Toast and Margarine
Hot Chocolate*
Potato Salad

Chicken and Dumplings*
Hot Carrots and Green Beans
Bread and Margarine
"Tang" Cupcakes* with Spice Icing

Toasted Cheese Sandwich Strips
Hot Chocolate*

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*Nonfat dry skim milk solids used in place of fresh milk.
†Purchased at school at rate of $.03 per half pint.

Total cost for week	$23.37
Average per day	3.34
Cost for 31 days	103.54

Keeping this menu at this low cost requires very close portion control, as leftovers are planned for later use. It includes no salt, spices, condiments, baking powder, coffee or tea, soaps, paper products, or sanitary supplies.

Prepared by Susan Bolger, Grad Student in Public Health Nutrition, Training in Wisconsin, Wisconsin State Division of Health; District #3, Fond du Lac: January, 1971.

MENU NUMBER 2—FAMILY USES SURPLUS FOODS

MONDAY

Fresh Orange
Apple'd Oatmeal with re-pasteurized milk*
Toasted Potato Bread* with Butter

Hot Chocolate*
Deviled Egg Sandwich
Celery Sticks Peanut Butter Cookies
Milk†

Baked Ham
Spinach Carrot Sticks
Boston Baked Beans and Brown Bread*
Rice Custard Pudding*

Eve—Small Hot Chocolate*

TUESDAY

Banana
Cornmeal Mush with re-pasteurized milk*
Pancakes* with Syrup

Hot Chocolate*
Cheese Sandwich
Apple Brown Bread*
Milk†

Bean Soup
Meatloaf* Mashed Potatoes* with Butter
Carrots Toasted Homemade Bread*
Gelatine with Fruit Sugar Cookies

Eve—Small Orange Juice

WEDNESDAY

Grapefruit Half
Cinnamon Rice with re-pasteurized milk*
Toasted Potato Bread* with Butter

Hot Chocolate*
Meatloaf* Sandwich
Carrot Sticks Cornmeal Muffins*
Milk†

Pork Roast
Corn Baked Yams
Stewed Tomatoes Oatmeal Muffins*
Apple Dumpling

Eve—Small Hot Chocolate*

THURSDAY

Stewed Prunes
Fried Cornmeal Mush with Syrup
Grilled Chopped Meat Bits Hash Browns
Toasted Homemade Bread* with Butter

Hot Chocolate*
Deviled Egg Sandwich
Orange Celery Sticks
Milk† Sugar Cookies

Pan-broiled Liver and Onions
Buttered Broccoli Spanish Rice
Refried Beans Toasted Homemade Bread* with Butter
Vanilla Pudding* Peanut Butter Cookies

*†See footnote at end of table.

FRIDAY

Half Grapefruit
Oatmeal with re-pasteurized milk*
Poached Egg Toasted Homemade Bread*

Hot Chocolate* Butter
Peanut Butter and Banana Sandwich
Apple Almond-Rice Cookies
Milk†

Cream of Tomato Soup*
Tuna Casserole* Green Beans
Carrot Sticks Duchess Potatoes*
Apple Betty

Eve—Small Hot Chocolate*

SATURDAY

Stewed Prunes with Orange Slices over French Toast
Cinnamon Rice with re-pasteurized milk*
Hot Chocolate*

Macaroni and Cheese*
Buttered Carrots Escalloped Potatoes*
Celery Sticks
Plain Cupcakes*

Split Pea Soup
Chili and Beans Cole Slaw
Cottage Potatoes Cornbread* with Butter
Indian Pudding*

Eve—Hot Chocolate*

SUNDAY

Grapefruit Half
Oatmeal with re-pasteurized milk*
Scrambled Eggs* Chopped Meat Patty
Fried Potatoes Toasted Bread* with Butter

Hot Chocolate*
Potato Salad with Kidney Beans
Chicken and Dumplings*
Hot Carrots and Green Beans
Yeast Rolls*
Yellow Cake* with Spice Icing

Bean Soup
Peanut Butter on Toasted Yeast Rolls*
Apple-Orange-Banana Compote
Hot Chocolate*

*Nonfat Dry Skimmed Milk Solids used in place of fresh milk.
†Purchased at school at rate of $.03 per half pint.

Total Food Cost for week	$12.74
Average Cost per day	1.82
Cost for 31 days	56.42

This menu requires a great deal of oven time, much more planning and preparation, and extra baking supplies. Baked products remain for snacks. Only extra sugar and shortening included in costs.

Prepared by Susan Bolger, Grad Student in Public Health Nutrition, Training in Wisconsin, Wisconsin State Division of Health; District No. 3, Fond du Lac; January 1971.

RESULTS

The following figures reflect the amount of money theoretically necessary for food to feed a "reference" low-income family of four receiving AFDC. They include no allowance for spices, condiments, flavorings, cleaning substances, or cleaning supplies.

Besides being built around the month's plentiful foods, sale items and store brands were chosen when possible. Most dishes would be considered "cooked from scratch" and non-convenience except bread for sandwiches. Occasionally a more expensive item such as cottage cheese or green pepper appeared for variety and education.

At the present time, the AFDC income includes about $80 per month for food. Under the Food Stamp Program, this family's purchase requirement of $54 per month nets a Stamp allotment of $106.

MONEY NECESSARY TO FEED AN AFDC FAMILY OF 4, FOND DU LAC, JANUARY 1971

	Menu No.	Per day	Per week	Per month
Receiving no assistance	1	$3.34	$23.37	[1] $103.54
Free school lunches only	3	2.89	20.15	89.59
Using surplus only	2	1.82	12.74	56.42
Surplus and free lunches	4	1.30	9.06	40.33
Market value of surplus foods		1.58	11.06	48.15

[1] Figures released in November 1970 by the USDA Agricultural Research Service entitled "Cost of Food at Home," September 1970, U.S. average (based upon 1965 food prices) says that the reference family of this report should use $145.70 per month to follow the low-cost plan.

The figures indicate that a family cannot afford to eat nutritiously if it adheres to conventional eating patterns and with conventional types of foods. And while they will have enough calories via low-cost carbohydrate foods, the food habits developed in the children are not ones of choice. The shortage of fresh fruits and vegetables for salads, snacks, and desserts may be a *precipitating factor in obesity*, and the soft texture of the foods would contribute toward dental disease.

The figures proved that a poor family cannot afford to buy the children a school lunch, that Commodities introduced no more food to the family than they could buy if they were given the retail value in money of the Commodities, and that Food Stamps would cost less—on a monthly basis—than a family using Commodities presently would spend for "supplementary" foods. We might like to know further how administrative costs of Commodities and Food Stamps compare.

The project did not show how these people do get along—we don't know what their biochemical tests might reveal—or whether they now can eat nutritiously. But it did show that on the $80 they have, they cannot obtain enough food by conventional methods.

DISCUSSION

The results of the study indicate that the poor must drastically alter their eating habits from that of middle-class society in order to live on their Welfare check. We can only speculate what effects—mental and physical—this has upon the children.

Chemically a diet may be adequate at lower costs, but other aspects of nutrition—variety, texture, palatability, acceptability—are not. And we do not know how these patterns which are so different from other children's affect a child's feelings about himself as a worthy being who can compete with his peers and win.

Nutrition enters here at a very basic level. In a child's life, food is almost the first way he learns that the outside world is good. He develops trust, or distrust. He gradually explores his world, and food is a big portion of that new world. If he learns to like only a few foods, it might be expected that he will have fear of other new experiences. But if mealtime "friends" vary, if he learns to enjoy many different experiences, we might expect him to transfer this security in willingness to attempt other new tasks.

And the *kinds* of foods the child eats mean more than nourishment for his growing body. Though soybeans may have the food value of meat, society places status with meat consumption. Non-fat dry milk solids cost less than fresh milk, but they carry a stigma of poverty. And powdered egg mix makes fine scrambled eggs, but the other kids get fresh ones.

How much of being "different from other kids" finally convinces a child that he really is? How many low-status foods can he eat and still believe that he's as good as everyone else? How many teachers, once they know "Johnny's on Welfare," will expect the same performance from him as from other kids?

When does Johnny begin to think he can't meet the competition? When does he begin to stay away from other children's homes—and they from him—because so much there is strange? Will he get as far as grammar school before he gives up . . . giving up even before society begins its formal socialization process?

How much of poverty perpetuates itself? Studies show that the cycle can be broken,[6] but it his a many-faceted task. It will not be accomplished with poor children suffering from anemia, nor will it be done with people who don't have the spirit to help themselves. So childhood nutrition, as well as prenatal and infant, appears to be a very influential variable in physical and personality development which often is overlooked by social service agencies in their concern for dealing with the never-ending crises of a poor family's existence.

Therefore, as people concerned with the upward mobility of the poor, we might establish the following objectives:

Substitute the Commodity Foods Program with Food Stamps and a realistic education to help with budgeting and shopper information. (This may be a first step in preparing for the Guaranteed Minimum Annual Wage.)

Investigate the possibility of having both Assistance programs in Fond du Lac County as well as participating in the Supplementary Foods Program.

Involve low-income mothers in the campaign for participation in the Food Stamp Program and in convincing other eligible persons of its value.

Include low-income women as instructors in the classes on cooking, shopping, and planning.

Involve the Social Services Department in on-going "grocery-store nutrition" education for the County's poor.

Campaign for future free school lunches for all students in conjunction with nutrition education in the curriculum and for participation *now* in the free school lunch program of all children currently eligible.

Implement a system of payment for health and social services—e.g., mothers might relieve teachers of yard duty at noon, contribute rag dolls to the kindergarten, or pay the amount of money she feels she can afford—while no one shall be excluded due to failure to pay.

Appropriate money in the AFDC grant for children's recreational and school activities—e.g., an older child might receive an "allowance" of his own, the graduating senior might routinely receive a special grant for "senior activities"—allowing more of the food money to be used for food.

Enlist local professional assistance in order to prevent anemia, sub-clinical deficiencies, dental deterioration, and obesity—the major nutrition problems of this Nation's poor.[7]

SUMMARY

Four low-cost menus for a reference family receiving AFDC were costed using prices obtained at a local supermarket. Only if the family used Commodity foods could their food budget of $80 meet their needs. And only families receiving this Assistance could afford to pay for the School Lunches. Under the Food Stamp Program, the family could purchase the same amount of food as they would need if they received no Assistance or if they presently participate in the Surplus Program. Program recommendations were made.

This report makes no attempt to speculate upon the condition and needs of the County's poor families who do not receive Social Services financial assistance, but the writer recognizes that their existence often may be much more difficult than that of Welfare clients.

The reasons for malnutrition have three broad categories:

1. Insufficient income.
2. Lack of knowledge regarding a well-balanced diet.
3. Changes in marketing and processing.

I shall like to offer solutions to problems in the Commodity Distribution Program that I, as a community nutritionist, feel would substantially improve the nutriture of entitled people.

Insufficient income to provide food to proud, low-income people

The current inflationary-low employment level seems to be forcing more and more working families to using Surplus Foods; it is necessary for them to reduce food expenditures in order to meet other financial needs. Therefore, I feel that:

1. The philosophy and goals of the program must be changed: it must be viewed as a self-help program that provides a more complete monthly supply of food, thus freeing families from the pressure of food procurement so they can

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[6] Anonymous, "Up from Poverty," *Public Health Reports*, 85:12, 1074, December 1970.

[7] Anonymous, "Nutritional Status—U.S.A.," *Nutrition Reviews*, 27:7, 196, July 1969.

focus upon their other pressing social needs. They should not be further separated from their self-supporting way of life.

2. Certification procedure must be dignified, shortened and simplified.

(*a*) documentation of income resources and expenses—the now required checks, receipts, bills, letters and phone calls require time and an unnecessary harassment for already-depressed people. The signed statement of truth is enough.

(*b*) Transfer the application process from traditional locations, perhaps using sympathetic, trained aides in churches, homes, community and Community Action Program centers.

(*c*) Increase the distribution centers, perhaps regulating their number and size by geographic area or population. Low income people have neither the money, energy, nor ability to continually pursue the promise of food.

(*d*) Include some items needed for personal and housing hygiene—hand and dish soap, toothpaste and perhaps shampoo—all educationally coordinated with good nutritional health.

(*e*) Allow supplemental foods for pregnant and lactating women as well as other groups with special nutrient requirements, for example, salt-free meat, larger number of polyunsaturated fatty acid foods, fewer sugars.

Lack of knowledge regarding a well-balanced diet.

All Americans, regardless of education, worry about nutritional adequacy of their diets. The poor need such education the most. The program should groom people toward the mainstream of food procurement and preparation.

1. Make educational materials available (perhaps a month's well-planned menu with supplementary food shopping list and cost analysis—pictoral and verbal) and conduct food demonstrations in places of greatest need.

2. To provide variety—for acceptability and good nutrition—include:

(*a*) additional staples—sugars, cooked cereals, salad oil, tomato paste, juice concentrates, more meat, fish, canned fruits, etc.

(*b*) provide can sizes appropriate to family size, quantities of vegetables, fruit and meat increased

(*c*) offer, on a per person basis, a produce coupon good for any fresh produce in the store redeemable in a neighborhood market.

(*d*) Labels on packages should be the same as those used in the retail market by the manufacturer and conform to all FDA labeling laws and regulations.

3. Involve local interested professionals—perhaps Dietetic Association members, home economists, supermarket consultants, etc., in making materials for distribution.

4. Have supermarkets contract with government to handle foods—food should flow from suppliers to supermarket warehouses to supermarket shipping systems to supermarket storage to annexes. In the Assistance Annex (for lack of a better title) specially trained employees should handle the dispensation of food supplies, these jobs perhaps filled by other low income people.

5. Where possible, shuttle vans could operate to assist disabled people in getting to food center (supermarket and "annex"); these drivers could also be low income people.

6. Low income participants must be involved in maintenance and running of the service, including the variety of items provided and their quality.

7. A USDA-HEW-OEO surveillance unit should exist to coordinate all aspects of the Program, including acting upon consumer complaints.

Changes in marketing and processing; delivery system

1. Due to higher cereal consumption by low income people, all flour and cereal products should be fortified and enriched at higher levels, especially with niacin, thiamine, riboflavin, iron, magnesium and, possibly, iodine.

2. Food itself:

(*a*) More convenience foods as mentioned above—soups, biscuit mix, pudding and milkshake mixes, stew, lunch spreads, etc.

(*b*) Rotate food items and allow for flexibility within an order—especially for large families. Given two to three vegetables, starches, meats, fruits every month instead of one.

In conclusion, I should like to urge that much smaller emphasis be placed upon studies and surveys to quantitate the hunger, the deprivation, the misery of these entitled people before some changes are effected. Nor should the distribution programs be investigated to point accusative and defensive fingers. Fantastically

complex and tragic problems exist which need fresh, willing solutions. We can assume the worst until proven otherwise.

Rather, I urge that regulations be made at all levels of service—from bidding by the manufacturer to the center with its personnel and facilities—with minimum standards of performance clearly specified. Each unit would then have to prove that it meets the standards; regulatory standards should be raised on a regular basis to continually upgrade the quality of service and responsiveness to needs.

Miss BOLGER. The first thing that I want to say is that my involvement with commodity foods has been fairly brief, only about half a year. My original feeling about them was that they were fairly good foods; that you could do a lot with them if you knew how to cook. Let me start out with what I have done since that time.

In Wisconsin, I did a study in conjunction with the Welfare Department and with the State Department of Nutrition to find out really what were the facts comparing the Food Stamp Program with the Food Distribution Program. I tried to look at the nutrient requirements, the many planning capabilities of women, at the local prices in the store. I did not look at whether or not the food was actually being distributed in that area. I looked at the list that was given to me as the list of foods available. I do not know whether this, in fact, was the case.

The results of the study are included in sort of an exhibit that I have as part of my testimony. I found that the amount of money contributed by the Food Distribution Program to the consumer was about the same amount of money that is contributed by the Food Stamp Program to the consumer. The food value on the other hand, would be extremely different, because if you look, there is also another attachment on my testimony, comparing the two kinds of menus that could be planned by a nutritionist with a master's degree using foods purchased in the marketplace and using foods supplementing surplus food program.

You will notice that the texture of the food in the Food Distribution Program is very soft and, I think, detrimental to the dental health of children. In addition, you will notice that it appears to be a much higher calorie menu, which it is, and it is very starchy which would contribute to obesity—a form of malnutrition.

NO CHOICE ALLOWED TO FAMILY

In addition, you will notice that it is extremely monotonous. I will not go into that. And, of course, there is no allowance within a family's choices for any sort of preference. For instance, the USDA offers three kinds of juices—tomato, orange, and apple—on a rotating basis. Why could not a large family be given a few cans of each one? Or, with beans, why could they not—there are three kinds of beans being offered—why could they not have a choice or a variety? The same is true of the meats. This is also true of the vegetables.

The only reason that I wanted to mention the study is that this community now has a nutritionist as a result and for that reason—otherwise, there is no reason to do a study, in my opinion, unless you are going to have some action.

Since I have been in Boston, let me describe to you where I work and the problems that I see there. This is the community which was described to you yesterday. It is the community of Alston-Brighton. It is an old Irish, Catholic, Italian, some Chinese, and some Cuban community. It is a peninsula, a finger sticking out from Boston. As described yesterday, the nearest distribution food center is over here [indicating]. This community has been going steadily downhill because of the high rents described yesterday. It is surrounded by Cambridge, Watertown, Newton, and Brookline here [indicating]. These two communities of Newton and Brookline are fairly wealthy communities with pockets of poverty. The only community which has a Food Distribution Program that surrounds this area is Cambridge.

In my location, the Office of Economic Opportunity has a subagency called ABCD, Action for Boston Community Development. It has undertaken to set up some distribution centers of its own in conjunction with the Welfare Department. We have one in our area.

When I first came on the job I came in contact with people who were immobile because of pregnancy and because of large numbers of children at home, not older people. These people needed food but they could not really get over to Tremont Street. They had to go to our center. Our center, in turn, was on a continually precarious point of discontinuation, in that it is supposed to close on December 31st of this year. In addition, it is in the basement, as described yesterday, which has sewage flooding about three or four times that I have known of. It also has irregular hours because it does not have a regular delivery system from the Welfare Department; and they do make deliveries to old people so that when they go out, there is no one there to tend the store. This led me to a point of desperation at which I began to take applications for surplus food.

Certification Procedure Is Stumbling Block

The reason I did this is because the people that I work with, my clients, are very proud and independent people. They see going to this housing project where the center is located as a very degrading thing to do. I could make it easier for them by putting it into a medical sort of orientation. I also could give them some education as to how to use the products that are a particular problem for them. I also could try to orient them a little bit away from feelings of shame. The certification is something that has not been touched on. The actual procedure, as far as I remember, requires that—let me say that the certification is, I understand, regulated by the Department of Agriculture. This is what the social worker who works for the Welfare Department has told me. I have not checked that—all statements be verified. Anything that has to do with money must have some sort of canceled check. In the case of an unemployment check, you have to have the exact same check that the person has received because he receives no check stub from unemployment. You have to have copies of bills if you have medical bills. You have to have rent receipts or leases to show how much rent you pay. This is very hard for a lot of people to come up with because they do not know how to balance their budgets or how to keep track of where their money goes, and it has been a stumbling block as far as certifying people.

One of the other qualifications on the application is that the family must have cooking facilities in their home. There seems to be, to me, no reason for that when you give out things that do not need to be cooked. If someone needs food, they should be entitled to have it whether they have a stove or not.

The other thing that has been extremely difficult is that I understand—and again, I have not checked on it—that the eligibility levels—the amount of money that you have to have less than to qualify—is determined at a Federal level. Boston, having the second highest cost of living in the 48 contiguous States, simply does not qualify. The levels are too low, and in our area where rents are extremely high, this is a real stumbling block because food prices are high.

Dr. Latham gave a figure of about $17 that the average commodity food package costs on the market. I priced 17 items and found that they cost $23 in a "discount" market in my neighborhood.

My contact with the commodity foods has involved working with a couple of people in their homes trying to teach them how to use them. I have not been terribly successful. The other contact I had was doing a cooking course for children during the summer. I think it is notable that I have had at least one dropout that I know of who got surplus foods at home and did not want to go someplace else where she got them again. The quote that I heard from her sister—the sister I later had as a patient—was that she wanted to work with "real food."

I worked with the Surplus Foods Task Force that has been coming out of the Services to Older Americans, the one Mrs. Weiner and Mrs. Peppard had been working with. I analyzed a package that was given out in our area in August of 1971. I found that in nutrient levels, when broken down—and there is a table* that shows the percent of recommended dietary allowances of major nutrients that this package provided, and it does not, of course, provide for any variance in the delivery and the time that the food was given out, and it does not allow for the fact that some of the food may have been wasted or just not used.

In all categories except for the very young child, the nutrients were not nearly close to 100 percent or, in many cases, even 75 percent. The one that was the most notably lacking was iron, and this is a real problem in my clinic because I work with pregnant women and children. We see anemia constantly there. We also see folic acid deficiency anemia in our pregnant women; this is an absolutely crucial time in the development of the child. You cannot have these medical conditions, because of lack of food.

NO APPEAL—A DEAD-END ROAD

The results of our hearing—may I state that we are demanding that the Welfare Department give us a food center when our OEO one closes down. There has been no action. Another area to the south of Boston, Dorchester—which is a part of Boston and has probably about the same distance to travel to get to the Dorchester center—has been asking for a center from Welfare for 2 years. They have given the Welfare Department many locations. The Welfare Department has not acted because they felt the rent was too high in these locations. There is no place that we can appeal. This seems to be a dead-end road for us.

In Massachusetts as a whole, the Welfare Department and the Department of Education are responsible jointly for the program. OED has picked up a considerable amount of the slack. CAP agencies throughout the State are distributing foods and they are using Emergency Food and Medical Services moneys to do this. I understand this also will be terminated.

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*See Appendix 2, p. 2283.

There is a group of concerned individuals consisting of nutritionists, church people, and others who are interested in trying to coordinate the program. We have received OEO money to do this, and it is too early to say what we are going to do.

As far as recommendations are concerned, I must voice some dismay because, as a nutritionist, I feel that the people must have the food. I know what it means to them. As another kind of person, I think they should have money to buy the food and I do not really know where the compromise lies.

I think the food program should be viewed as a self-help program rather than as a dole. We have to change the orientation of this program in order to make it more acceptable to working people that are coming into the program because of absolute necessity now. We have got to have more outreach. I would like to see aides specially trained going into homes, going into churches, trying to approach people on a personal level and with respect.

I would like to see, of course, the number of distribution centers increased and some sort of standard mechanism developed for the number of distribution centers that any population area has.

I would like to see some sort of hygiene incorporated into the food program; this comes from the fact that you cannot buy soap on food stamps. I see children that do not have toothpaste, that do not have soap or shampoo, and I do not know what to do about it.

There has got to be education about how to purchase. I would like to see menus distributed on a monthly basis showing just as an illustration to people who may not know, how to use the food along with a list of supplementary things that they would have to purchase.

I would also like to see some example cost analysis of menus to show how to budget, and I would like to see the nutrient needs of special groups considered.

I visualize a program that does not separate welfare or surplus food participants from everyone else. I would like to see the packages the same as those that are in the supermarket. If the milk is made by Carnation, I would like to see it as Carnation milk in the home. I would like to see the same regulations applying to surplus food packages and labeling as apply to everybody else's.

I would actually like—I should think that USDA would figure they should get out of the food distribution business enough so that they might offer the program on a bid basis to supermarkets, letting supermarkets do it and trying to coordinate that with the education going on in supermarkets.

That is my testimony.

Senator PERCY. Very, very good, indeed. I could not help but think of a few personal experiences as you both talked. On your last point of permitting the purchase of soap and toothpaste, somehow we are just going to have to appeal to the House with some sort of slogan that "Cleanliness is next to Godliness" or invent something like that, because we did put it in the Senate bill. I was distressed when it was taken out of the conference bill, but we will certainly try again.

Miss **Bolger**. It should be on an optional basis. I do not mean to imply that people do not know how to keep themselves clean, but it often is money.

SOAP AND TOOTHPASTE ARE NECESSITIES

Senator **Percy**. Of course, it is just as much an item of necessity for a household as anything else.

From the standpoint of the shame and mortification that people have, I have heard people say that "Well, if you are poor, you should not be ashamed of it." But even though there were a lot more poor people during the Depression than there are today—17 million people were out of work then—I can well recall that in Chicago—the commodity food program was in effect in 1935 and our family was a recipient—they provided for home delivery. They delivered it to the home. I was always grateful—the apartment we lived in was up on the third floor with a lot of apartments with the doors open and so forth—grateful the truck that delivered the food was unmarked, and I was always fearful people would know we were so poor that we had to accept public charity. And, I can just imagine what it is like standing in lines. And yet, poverty is so bad in uptown Chicago today that when Rev. Jesse Jackson of Breadbasket came up to offer free food parcels to the poor whites in the uptown area of Chicago—I did not think people would come out and get the baskets—but as the chairman of this committee I stood there, Jesse Jackson got up to pass out the packages, and people stood in line a block and a half long to get food parcels.

Now, they are not going to do that unless they are really desperate for nutritional assistance and help for their children. Most of them were fathers and mothers, and they said that they were taking the food home for their hungry children.

I would like to ask a couple of specific questions. Miss Bolger, first, can you comment on the iron content of the 15 distributed commodities in Boston? Is there a deficiency or a sufficiency there?

Miss **Bolger**. The table at the end of my testimony shows that for some groups it is as high as 66 percent. For the critical groups, of course, it is only 36 percent, in August. I might add that the utilization of iron in the body is assisted by vitamin C, which is also in very low quantity, and, as Dr. Latham said, in surplus foods the potatoes are where the vitamin C comes from because they are fortified, and I am not sure how many people in my community eat those as many are Irish and prefer real potatoes.

Senator **Percy**. You have given us a wealth of statistics and material in human terms. Could you tell us whether you have actually observed malnutrition among commodity recipients in the cases that you have been studying?

MALNUTRITION IN COMMODITY RECIPIENTS

Miss **Bolger**. Yes; I am following several children right now for obesity, which is, of course, a form of malnutrition. These people are on surplus foods. This is the major portion of their diet and—I do not wish to speculate on the idea that altered carbohydrate metabolism is a contributing factor to obesity—I think this may play a part.

In addition, I am following several young, young children for "Failure to Thrive," and I have had the rewarding experience of making home visits and making diet sugestions which, when implemented, have assisted the families in giving the children food, because they simply have not known what to do and they have allowed the child to just sort of fend for himself. This is an education problem but they also just do not have the money for food.

Senator **Percy**. A few weeks ago in a receiving camp—a refugee camp in East Pakistan on the Indian border—I talked to a grandmother whose son and husband had been killed by the West Pakistan army. She had fled with her daughter-in-law with five children, five grandchildren to her, to India. They had been in a refugee camp and I asked her why she had come back, and she said, "Well, her grandchildren were getting so ill from the change in diet"—they had lived on a fish, high-protein diet and their rice was a different variety. The issue of rice that they received was so different that the children were all getting sick and had dysentery and she said "If they are going to die, we decided I would rather have them die back at our home than in a refugee camp in India."

I have noticed in many areas of the country, including Chicago where we have a large Spanish-speaking community, that all the restaurants are quite different; the meals are quite different according to our various ethnic groups. Is any account taken of this in the distribution of food? Do we take into account the fact that diet is quite different for migrants from Puerto Rico whose children are all brought up on a different diet, or are they expected to adapt just like that [indicating] if they are poor?

Miss **Bolger**. There is no adustment for this nor is there any sort of adjustment for the fact that they do end up paying more money in their corner stores for their special products. It is extremely complex. Simply, the answer is "No."

Senator **Percy**. Do you know why it is that Boston receives only 15 commodities when, at least with the limited list that we have, they could expand 40 or 50 percent with what is available?

Miss **Bolger**. There are 19 commodities that they do not get. Of the commodities that are distributed, there were 19 that month that they did not get. This brings the number of total commodities to something we have not considered before, but this is the total variety offered by the USDA, which includes three or four kinds of vegetables, et cetera. I do not know why. I think it is in the ordering process, where, you know, everybody is very much in the dark about how things are ordered and what happens to the order. This was touched on yesterday.

Need Coordination of Agencies

I would really like to see coordination of the agencies responsible for the program. OEO is working on it. HEW is working on it. USDA is working on it. Consumers are wishing they could work on it, and nutritionists are getting involved in it, as are volunteer agencies. It seems like if we could all get together to try to figure out how this thing would work, I think it could work and there is no doubt about the fact that at the end of the month those foods are absolutely essential to the family.

I have a social worker that tells me she goes into the homes and this is what they are living on.

Senator Percy. Despite the practical comments Dr. Latham made about the demise of the program, I do not know whether I will be in the Senate long enough to see it done away with, even though it is a poor program—and we all admit that—from a nutritional standpoint. Maybe we must be practical—you know if you cannot fight it, join it—maybe we must look at how we can build on this base and expand it with certain other commodities that are desperately needed. Could both of you respond? Maybe you could start, Dr. Latham. Let's say we are stuck with this program for a while, a number of years anyway, what should be added to it as absolutely basic essential ingredients that should be available at all times to all families any place in the country, and that we could simply requisition and direct the Department of Agriculture or HEW, hopefully, to always have available for these programs?

Dr. Latham. I fully agree with you—the program has been in operation for 35 years and it is not likely to die. I still believe that the poor need money and not food, but the program is going to be in operation for a long time. The recommendations I made, if implemented, would go a long way to improving the commodity program.

I think, as alluded to in my testimony, that there are practically no considerations given to food tastes, to ethnic preferences and to geographic differences, and clearly this needs to be done.

Take for example the milk supplied. There is increasing evidence that many non-Caucasians do not digest lactose well, and lactose is milk sugar. It is very questionable whether people in the food commodity program should be getting 10 percent of their nutrients from milk powder when they cannot digest lactose, and milk may cause them to get diarrhea. I think that we should be looking at what the particular diets of various groups of people are and what they would like to eat, and act accordingly. Obviously people like steak and potatoes and these kinds of things, and if there was any way to provide these I think this would be a way of improving the program. But even within the range of items available in the commodity program you can see some items that are very popular and some that are not. Those items that tend to run out again and again at these food centers because they are popular should be provided in greater amounts.

Nowadays Baking Bread Is Unrealistic

I think it is easy in particular areas to find out from the recipients what they would like in larger amounts. I think we must go to convenience foods. As I said, to provide flour for these people and expect them to bake bread is quite unrealistic. There are many wheat products which are available if we cannot devise some system by which they can get bread at a subsidized price. There are many wheat products on the market, such as unsweetened cookies, various types of pop-ups and other things, that could be toasted, even spaghetti and a variety of pasta products. All these are basically wheat products. These should be available made out of the wheat supplied by the commodity program.

There clearly should be a little less in the way of carbohydrate foods and more in the way of protein rich foods, but people eat the things that are tasty and they are used to eating. The foods should be made attractive to the recipients; 22 food items—even though there is some variation within the 22—is a very limited number of foods and the diet then becomes extremely monotonous. So I think variety becomes important, and it would be very easy to draw up a much wider list.

I think one is hampered by those who make the decision about what food should be supplied and with the definition of surplus. I think we need to move to asking ourselves what do the poor need in terms of nutrients; what do they like in terms of what is available and what is the maximum reasonable choice they can be given. We need to ask what ethnic differences exist in food habits; what do Puerto Ricans like and what do the blacks in the South like; and include some of these items. There has to be flexibility in these programs and we just do not have that at the present time.

Senator PERCY. Let's take one item, milk. I do not particularly like the taste of powdered milk. It is different from fresh milk. And certainly, we know that with the emphasis cereal companies place on trying to make food taste good that it is pretty hard to force even a poor child to take something that does not particularly taste good to him.

What is the difference between a powdered milk product that tastes good and one that is not good? What can be done to make this product more palatable? Is it at all feasible to try to premix it ahead of time?

GOOD POWDERED MILK IS AVAILABLE

Dr. LATHAM. There are many powdered milk products on the market now that are much earier to mix than the ones supplied in the program. I think increasingly the food commodity program has moved to use these. So there have been improvements in this direction.

But the reports I received from Tompkins County and elsewhere a year ago, were that the milk was a difficult kind to mix, it was lumpy, and also did not taste very good. Some of this is still being used. There are good powdered milks and the USDA should say "We are only going to purchase this particular kind of milk," and undertake palatability tests and mixing tests and insist that only satisfactory products are used.

Of course, fresh milk would be better, but the counties could not deliver fresh milk in the food commodity program because foods are distributed once a month. Fresh milk has been supplied free to groups of persons in other counties, such as Britain.

Miss BOLGER. As far as milk is concerned, because it is so important, I should like to see an instant breakfast type or an instant pudding type item given. Cocoa was given at one time as a supplement which was an extremely popular item.

Senator PERCY. If a family actually misses its milk ration, for one reason or another, what does this do to the nutritional balance of their diet?

Miss BOLGER. I did not analyze it without milk, but, of course, protein will go down; vitamin A; vitamin D will be almost eliminated; and this is necessary to prevent rickets in growing children. Riboflavin, of course, would be way down, and calcium will be extremely low.

Dr. LATHAM. The USDA figures show that about 40 percent of the recommended allowance of protein is supplied by milk, so that if it is not used then the protein in the diet will be reduced by 40 percent. The milk provides 80 percent of the calcium needs; so calcium and protein, which are two very important nutrients for growing children, both get dangerously reduced if milk is not used.

Senator PERCY. I am not sure how popular the peanut butter is among the elderly poor, but it is popular among children and it provides a great deal of nutrition. I understand it comes in a small supply and on occasion is out of stock in some areas of the country.

What if a family in southern California, for instance, misses its peanut butter ration for an extended period of time? What does that do to the nutritional balance for that family?

PEANUT BUTTER ASSURES PROTEIN INTAKE

Dr. LATHAM. Peanut butter is a popular item in the county I have looked into. Peanut butter is particularly important for its protein content and niacin and B vitamins. In the total food commodities, the protein they would get from peanut butter would provide about 8 percent of the recommended diet allowance. If you reduce a child's peanut butter then you reduce the protein intake. We have not talked enough about uneven distribution of food within a family. USDA assumes that all members are all getting equal amounts, but you might find that the children are getting most of the peanut butter and not any of some other products; then the children might be getting 20 or 30 percent of their protein needs from the peanut butter. If peanut butter is not available for some months, then a serious reduction in protein intake will result.

In all these figures the USDA is producing the figure for the four-person family. I worked in developing countries and one of the great problems is that the carbohydrate foods are the bland foods considered suitable for children, and often the protein-rich foods are more tasty. The children then get a mainly carbohydrate diet. This often leads to serious protein deficiencies.

Senator PERCY. How about the meat supply? That also comes in a small supply, and let's say, the family misses half its meat issue for a month, what does that to do nutritional diets?

Dr. LATHAM. Well, again, meat is an important contributor of protein to most people's diets. In this program, if one were making a recommendation, I suggest that there should be a great increase in the amount of meat products supplied. These people are getting very much less meat than the average American. They are getting very much less meat than the people who are getting food stamps who are buying what they like with their food stamps.

So, in fact, the contribution in terms of protein might be around 20 percent from the meats that they get. Therefore, if they are not getting meat then there is a reduction of 20 or more percent in the proteins taken. But I think the amount of meat available in the program should be greatly increased.

Senator Percy. I was very pleased to see in your statement, Dr. Latham, on page 1, that this administration has, during its term in office, done more in relation to food programs than any previous administration. I certainly feel this is true. The edibility gap that you pointed out is still there to a great extent and we are more conscious of it the more we talk about it, but I think progress has been made and I am pleased that you pointed it out. I am pleased also that along with the criticism the USDA has taken in the course of these hearings, we can point out, as you have, that in recent years there has been marked improvement in the commodity distribution program as administered by USDA. And I am pleased that you have specifically pointed out certain people who have been helpful to you.

I have been critical of the Department concerning item 8 in your recommendations. I think that both the Food Stamp and the Food Distribution Program should be available, together, in the same area. I think this is extremely important. Yet USDA, in spite of the law, has refused to do this even when local governments have volunteered to pay the administrative costs.

Could you expand on the importance of this as you see it and tell us how strongly you feel about it and how strong a position this committee technically can and should take to press this point?

Dual Programs Give People a Chance

Dr. Latham. I feel that this is very important. I think the main reason for having both these programs available together is to allow people to have the choice to be on one or the other. If they wanted to collect the foods, they could do it. If they preferred to get the food stamps and go to the grocery store and make their own choice, they could do that. For example, an elderly couple who did not have very good cooking facilities, or an old person with no oven, have to take flour that they cannot use. This is pointless. If these people had stamps they could go to the supermarket with their food stamps and buy some foods that were more convenient for them, and which took no cooking. An Indian family, far from a trading post where they could use food stamps, might prefer food commodities.

I think we should go further. I think none of these food programs provide for those who have no cooking facilities. There are a lot of Americans who are poor with no cooking facilities. Food stamps should be authorized for use in restaurants and cafeterias for those who cannot cook their own food because they are disabled or because they are old or because they do not have the right facilities.

So I think there should be alternatives and I think the more alternatives that are open to people, the more likely people are to meet their family needs and to meet them with some dignity. So I think in any county there are going to be people who will benefit more from the commodity program than the stamp program and vice-versa, and these options should be open to these people. It would not create much more expense except a little bit more organization and a little bit more trouble for the bureaucracy. But all these programs are made as easy as possible for the bureaucracy without consideration for the poor. We do not have people waiting at post offices to get postage stamps in the snow and the cold, but we do for food commodities and food stamps. This is intolerable to me. In many places people wait for 2 or 3 hours out in the cold and the snow and this type of thing. No government program for the affluent requires people to suffer in this kind of way. So I think it would be of great benefit—even though it would be a little more trouble and a little more expensive—for several of these programs to be available for the same people; and, that the programs become more sensitive to the needs and the dignity of the poor.

Senator PERCY. I want to thank you very much indeed. Senator Schweiker, do you have any questions?

Senator SCHWEIKER. No questions. Thank you, Mr. Chairman.

MONOTONY OF FOOD

Senator PERCY. All right. I would like to tell you a personal story that I have told the staff. We have had this subject of the monotony of food raised before and, I have heard the comment, "My gosh, if you are hungry, why should you worry? Food is food." But when my father's bank failed—he was a small neighborhood banker, cashier of a bank—and he was stuck with double stock and fought for 7 years from going into bankruptcy—but he was just overwhelmed by his debts—we were on this commodity food program sort of subsidy. My father was a very devout man, always said Grace before dinner. But, one time we had a large shipment from this commodity food program of canned tomatoes and rice—they were in excess apparently at the time—so we had this about 10 nights in a row for dinner. Mother just made it into various forms of Spanish rice, but it all tasted the same; and finally, just as we progressed into our dinner one evening, my mother looked up in shock at my father as he started his meal—he just started to eat, and she said, "Father, aren't you going to say Grace?" And he looked at her—and I have never heard him utter a swear word or cuss word before—but he said, "Mother, I'll be damned if I'm grateful for this Spanish rice."

So I think the monotony, even for poor families, does get to you a little bit.

Thank you very much for your extremely helpful testimony and the devotion you have to this very, very vital and urgent field.

I am very happy to have Senator Schweiker introduce our next guest, and we will call Mr. Harvey Stephens, executive vice persident, ARA, Inc.

Senator SCHWEIKER. I am delighted to be able to present one of my constituents, particularly a constituent who has done a lot of work and has a lot of experience and expertise in this whole field. I know that our witness today, Mr. Harvey Stephens, executive vice president of ARA, will give this committee a lot of practical information because of the expertise that his company has acquired.

We are very pleased to welcome Mr. Stephens here today, as well as his staff nutritionist, Mrs. Robertson. We are very pleased to have you come before our committee.

STATEMENT OF HARVEY STEPHENS, EXECUTIVE VICE PRESIDENT, ARA, INC.; ACCOMPANIED BY MRS. EDYTHE ROBERTSON, NUTRITIONIST

Mr. STEPHENS. Thank you, Senator.

Senator PERCY. As long as Senator Schweiker has gone over and answered a live quorum call and I have not, I will excuse myself. If you will take the Chair, I will be back as quickly as I can.

Senator SCHWEIKER. All right. Go right ahead.

Mr. STEPHENS. I am going to keep this as brief as possible. I am really here in the role of what in the food service business might be called an operator. We are responsible for food service in a variety of institutional markets and in a variety of locations around this country.

I do want to add to your introduction of Mrs. Robertson, who is a nutritionist on our headquarters staff. She is one of more than 300 ARA dietitians and nutritionists who work for us throughout our company. She has also had a lot of experience in the area we are discussing today. For that reason, I have asked her to sit up here on my left and take care of any questions you might have. For many years, Edythe was Chief of the Food Service staff for the U.S. Air Force and she has had a lot of experience, not only with nutrition, but more importantly, with the problems of distribution, which is what I want to talk about.

I am Harvey Stephens, executive vice president of ARA Services, Inc., and I appreciate this opportunity to present some facts and appraisals of the role that the food service management industry, with its service capacity and potential, can play and is playing in the provision of meals that will improve the nutrition of America's youth.

ARA Services, as well as other companies, is now preparing and serving hundreds of thousands of meals each day to schoolchildren under the national School Lunch Program. ARA also serves over 300 of the country's colleges and universities, 200 hospitals and health care centers, thousands of industrial companies, business offices, government installations, as well as stadiums, convention halls, airlines, and public restaurants. Our food service volume alone is about one-half billion dollars a year, and this means that we purchase large quantities of foodstuffs for meal and refreshment preparation. We are pretty large in the commodity distribution business within the framework of our own activity.

The logistics of quantity purchasing in ARA demand that we maintain and control a constant flow of supplies to assure quick, efficient service of more than 2 million meals each day. While other companies may use somewhat different methods, I feel ours is reasonably representative of the food service management industry.

In our industry the governing consideration is the service of the individual customer and everything having to do with the procurement and distribution of food flows from meeting the customer's need. Purchasing has its origin with the menu and the recipe. The nutritional objectives of the food service program combined with a knowledge of the food preferences of the group being served, spell out the types, form, and the quantities of commodities required for the fabrication and service of meals. These considerations together with price, form the basis from which we calculate the quantities of each commodity to be purchased and delivered.

Myth of Great Purchasing Power

At this point I would like to dispel the myth that large companies such as ours enjoy great purchasing power through sheer size. We perform food service operations at literally thousands of locations and most of the product we buy for them is purchased locally. Our purchasing efficiencies are due to the fact that we systematize our menu planning and ordering in such a way that the purveyor is able to service us efficiently and thus we become a very desirable customer for him, and he in turn becomes a part of our service system. And of extreme importance, I might add parenthetically, he becomes a part of our service system, and that is very critical to us.

Size in itself is not the determining factor. It is our cooperation and understanding with the supplier—enabling scheduled deliveries—perhaps only once a week at each location—thus relieving him of too frequent deliveries, the elimination of visits by sales personnel—our purchasing procedures establish standards and prices to be followed at the local level—and the prompt payment of our bills.

Our objective is to make the supplier responsive and responsible to our needs, hence to those of our clients and customers, wherever and whoever they are. If a distributor does not ordinarily supply hospitals and we have a hospital client in his territory, we work with him to get him responsive to the situation. He will obtain the special commodities we may need for special diets because he values our business. We forecast our demands so he can develop and maintain his inventories in an efficient way. In menu development, we request commodities in an orderly fashion and choose purveyors who do enough business to purchase and distribute in economic quantities.

The accuracy of our individual operating units in determining their own needs is vital to the entire purchasing process. Our inventory policy is to restrict these units to 1 week's supply of merchandise. This requires good planning on the part of our local managers and good warehouse management and service on the part of our suppliers. This policy helps the purveyors to establish their optimum inventory levels which reduces their cost. Other important benefits are that this type of purchasing assures freshness and it is a demonstrated fact that when inventory is kept down, inventory losses for a variety of reasons are minimized.

Purveyor Must Respond Quickly

ARA chooses its purveyors in any area after a thorough check of their reputation for service, their methods of operation, and the quality and price of their merchandise. We have very specific corporate standards of food quality, product specifications, a file of thousands of tested recipes and systematic menu planning. Our unit managers are expected to operate within this procurement framework and to make all of their purchases from among our authorized purveyors: and our purveyors are expected to be highly responsive to the needs of our unit managers. In order for us to operate with maximum efficiency, it is necessary for our purveyors to be able to respond to the needs of our units quickly. By this, I mean within 24 to 48 hours. Their warehousing and trucking capacity must be capable of handling this requirement.

As continuing quality control we check very carefully on the merchandise at the time of delivery and reject on the spot any item which does not measure up to our standards.

Our research and standards department evaluates over 1,000 new products a year prior to acceptance for use at our units. Our regional purchasing directors also continually review the capabilities and performance of purveyors, both those on our authorized list and others seeking to serve us. This relieves our local unit operations managers of the need to be purchasing experts and enables them to concentrate their full energies on the service to their clients.

I might add at this point that our suppliers value their relationship to us. It is a relationship they maintain by meeting our standards and when they do not meet our standards we replace them and we get somebody who does meet our standards, because our goal is to satisfy the customer and where we have a weak link in our supply or fabrication or merchandising chain which is not pointing in that direction, we have to do something about it; and in terms of our suppliers, they are given an opportunity to meet our standards, be it quality of service or the price, and when they cannot do it or will not do it, we go to another segment of the business and bring in somebody else who is more interested in being of service to us and to our customers.

Senator SCHWEIKER. About how many purveyors do you deal with in the course of a year?

Mr. STEPHENS. Thousands, I would say. We are a large company, as I mentioned. Our food in the food service segment of our business is about $500 million, but we buy locally in many of our operations. While we may have some national contracts with paper goods or things of that sort, food is purchased locally in the communities in which we work and live. When you live in a college community or you are part of a health care institution, you relate to that community, and we do that, not only in terms of relating to the customers, but in relating to the supply sources.

Our managers have the benefit of such publications as the ARA Purchasing Manual, the Meat Buyers Guide, and other material generated both from within the company and outside. We issue a regular purchasing newsletter for the benefit of our operations people. Procedures are outlined; authorized purveyor lists are distributed. Should a local manager make purchases from an unauthorized source, this fact will be picked up by our computer, and followup will determine the reason for such purchase, and in many cases there are good reasons why this was done, but we are interested in knowing why it was done because we are interested in what is going to happen to the satisfaction of our customer because he is the guy that keeps us in business, and we have no subsidy from him, or we have no tenure process which keeps us serving an institution. We do it based on our performance, and it is perhaps trite, but it is easy to say in our business, we are as good as the last meal we served and that is the one people remember us for, so they all have to be good theoretically.

EFFICIENCY ORIGINATES AT PLANNING END

To summarize briefly, long experience has taught us that efficiency in the procurement of food supplies for large-scale meal delivery systems originates at the meal-planning end. Tested recipes whose yield from a given quantity of raw food is dependable, is step 1. Specific food standards for dependability of results is step 2. Advanced menu planning as a basis for ordering is a major step in avoiding undue delivery costs and food spoilage. Finally, and of primary importance, a cooperative and constructive working relationship with quality sources of supply is an essential to the smooth working of the system.

In describing the food procurement and distribution approach used by our company and by industry in general, I am mindful of the many differences between our type of operation and the commodity distribution problems of the Department of Agriculture, particularly as they relate to the distribution of commodities to a variety of institutions.

These differences were highlighted during the White House Conference on Food, Nutrition, and Health by four of the 26 panels which dealt with the problem of food distribution of Government-donated commodities. I had the privilege of chairing one of these panels, panel V–4, on large-scale meal delivery systems. After months of considerable study and evaluation of all the data on the issue, distribution, and use of commodities, panel V–4 submitted a total of 88 recommendations to the Conference, four of which recommended the elimination of all future purchases of price-supported commodities, and in their place recommended that the millions of dollars paid by the U.S. Department of Agriculture for food commodities be reallocated directly to the institutions in the form of cash subsidy for use in buying end-use products on the front end rather than having the item appear at their facility after menu planning, based on food preferences and nutritional needs and costs, were completed. While it may not be possible now from a practical or political point to eliminate the commodity distribution system serving institutions, there is no question in the minds of many competent people that the system needs change.

Future trends anticipated in donations to child-feeding programs place more than quantitative demand upon the distribution system. Coincident with the commodity volume increase would be the addition of a large number of recipient agencies such as the day care centers and homes for the aged, which could also present significant challenges to commodity distribution program planners.

SYSTEMS WILL UNDERGO CHANGES

Strong economic pressures are forcing schools to try to offset the rising costs of school feeding programs. Major efforts are being directed toward reducing the labor content of food service operations. Central kitchens for food preparation is one of the approaches, and the use of more preprocessed foods to avoid onsite preparation costs is another. These shifting conditions imply that for commodity distribution systems, both the type of food items and the methods of processing and distribution will have to undergo changes if the commodity program is to respond effectively to child-feeding-system needs.

School districts rely on commercial suppliers and distributors for 80 percent of their total food needs from a supply system that parallels ARA's system of local procurement. The U.S. Department of Agriculture furnishes approximately 20 percent of all foods used. School districts are in daily contact with their food suppliers for the items needed in the menus. Most of the same items the Government purchases and distributes to schools are also purchased regularly by a school district from their regular suppliers. Schools have established competition between their several suppliers, and are buying foods with various services and at the best possible price, I might add, with considerable skill.

Commodities obtained by the Government are now purchased from the same suppliers the commercial wholesale distributor uses. This makes the Government another distributor in the wholesale market in competition with the private sector, and with a system which is a poor copy of the distribution which is being used in the private sector, I might add. The U.S. Department of Agriculture does not deliver to the end user; the State and local agencies must perform this service, which is not their specialty.

In conclusion, to get the benefits of procurement based on what is needed at the school lunch table, the commodity distribution system needs to be changed. As it works now, it defeats good menu planning and cost control by not predictably supplying what the school may need.

I do believe that if all groups involved in this program work positively at what is needed to get the job done, it will get done. Government administrators and officials, and businessmen from the private sector, need to work toward a common goal, a system that will provide schools with their food needs at the best possible cost to Federal, State, and local districts.

I appreciate the opportunity to appear before the committee today, Mr. Chairman. If the information I have presented today is of help, and if some of the techniques we have developed can aid in solving some of the problems of the commodity distribution program, we stand ready to aid in the solution of these problems.

I might add that we have just loaned Mrs. Robertson to the Commission on Government Procurement, which has been established by the Congress, and she is now working full time, at our expense, I might add, in study group 13–A, which deals with problems of Federal food acquisition. So we are continuing our interest in this program.

NOTHING HAPPENED IN 30 YEARS

That is the end of my prepared statement. I made a couple of notes as I listened to some of the other testimony this morning. I heard Ester Peterson and Senator Percy discussing Margaret Mead's testimony during her appearances here. During the White House Conference on Food, Nutrition, and Health, I had the pleasure of having Margaret Mead as a member of my panel, and I was treated to a liberal dose of her views on these problems. I will never forget her first statement when she attended our first meeting—she said, "Harvey, this is where I came in 30 years ago," and the inference was that nothing much has happened in the last 30 years, and I think this is particularly true as we look at this commodity distribution system.

I think we have two choices, really, looking at it from a practical view of a businessman. We either discontinue the commodity distribution program, particularly for institutions, which may be a politically impractical thing to do, or we improve the distribution system and fix it. If the program is to be continued, it would be my recommendation, without having gone into a lot of study, that this job—and I notice from reading yesterday's testimony that Dr. Howard Bauman, who was here yesterday from Pillsbury Co., made the same recommendation—this is a job which the private sector can best perform.

One of the modern miracles in distribution of the 20th century has been the development of the modern supermarket. The supermarket, as you see it on the street, is the top of the iceberg. Unseen, but supporting that market, is a tremendous distribution system which has changed the eating habits of this Nation and improved the nutritional well-being of all of us. It has certainly given us more choice and reduced the prices of food because of the excellence of this comprehensive distribution system.

There are people in this country who can help solve this problem. Unfortunately, in my opinion, they are not in the Department of Agriculture, and I think if we are to have commodities and they are to be distributed effectively, we ought to get assistance from the private sector to do this job.

There was one other comment which was made this morning which I would like to, in a sense, not disagree with, but express a different point of view. Senator Percy, in talking with Ester Peterson, she was talking about the need to educate home economists and dietitians in the area of nutrition. In my opinion, this is not going to improve the degree of nutritional literacy in this country. Home economists and dietitians know quite a bit about nutrition. In some cases, they know so much that they cannot communicate it to some of us who do not know. But if we are to do something in terms of nutritional education, it has got to begin at the preschool age and in the earlier years of elementary school.

All of us who have gone past the age of 21 or 30 years, are lost. We are not going to learn much about nutrition. We are too set in our ways. We know what we like and we eat it. But if there is anything to this trite saying that "we are what we eat," and if it is a fact that in most of our hospitals today many of the acute care beds are filled with patients who are there as a result of faulty nutrition, whether it has affected their arteries or their hearts or their glands; if something is to be done in the whole area of prevention in health care, something has to start in the area of nutrition education at an early age.

NUTRITION EDUCATION MUST BEGIN AT EARLY AGE

This, again, was the result of a number of panel deliberations and many recommendations that have been made through the White House

Conference, that nutrition education has to start now and it has to start down at the early grades in school, when the formal process of education begins.

These White House Conference recommendations are still kicking around somewhere in Agriculture and they, along with HEW, are probably going to do something about them. The whole problem—and I would certainly agree with the previous witnesses—the problem of school lunches, the problem of feeding the great masses of people who are in a number of institutions, is not a problem in agricultural economics or farming. It is a problem in how you relate to people, and it would seem to me that this whole exercise, as was recommended by many panels in the White House Conference, should be moved and moved quickly to the human resources group, whether it ever gets to be that in terms of the reorganization of the Executive Office or not. It should go into the departments of this Federal Government whose primary concern is for people, not for farm products and farm prices; and that is the end of my informal comments.

Senator Schweiker. Thank you very much, Mr. Stephens.

I want to ask a few questions relative to your testimony. When a purveyor does not meet a delivery schedule, how quickly does ARA act to seek damages? What is your general policy on this?

Mr. Stephens. Our general policy is to quickly find out why—and our manager is the guy who does that because he is there—and if that performance is not improved very quickly, we replace that purveyor.

Senator Schweiker. Would you say, from your experience with USDA, do they check the purveyors as well, and how fast do they respond in a similar situation?

Mr. Stephens. I am going to turn that over to my friend, Edythe, who has had some experience in this area.

Mrs. Robertson. Obviously, they are not as fast to react as we are in industry. Probably, in the pipeline of contract administration, this may require some time to get back to them.

But I have often wondered why, if they are subsidizing a food product and this is to help that phase of the farming industry or the institutional processors and that processor or that farming group or cooperative is not responsive to these needs—and does not meet deadlines, quality packaging standards and wholesomeness in food—why do they not discontinue subsidizing that product or that area of agricultural production as we discontinue using a poor supplier? Do you not think this would bring the commodity supplier in line?

Senator Schweiker. Yes. I think that is a very valid point and that is exactly what I want to get at really, as to what should be done and what policy we ought to have.

Along a similar line but not exactly the same point, does the U.S. Department of Agriculture observe the same standards and regulations they establish for the commercial food industry in their own procurement and processing and packaging and handling distribution of Federal commodities? What is your assessment of their standard that they impose on themselves compared to the standard they impose on the private sector?

DUAL STANDARDS FOR USDA AND PRIVATE STANDARDS

Mrs. ROBERTSON. In this particular area, we have proven that the quality of the product is less than minimal using the Federal specifications as a base. It is submarginal in wholesomeness. The packaging is inadequate. The inspection of the inner packaging and the capability of the outer carton does not meet with the standards that are set up for industry.

Labeling is now covered in Federal law for both meat and poultry products and requires listing the ingredients of the product. This is absolutely essential in institutional feeding to determine the nutritional analyses of components for nutrient consumption data for special and regular diets. Component ingredient listing is also required for recipe combinations and functionality of product. In quantity cookery actual composition of the packaged food is required for accurate formulation and control in batch cooking.

Institutionally, the surplus or price support commodities are used in public health hospitals and in projects feeding the aged, and this brings about a very major question in my mind. When a commodity label lists "vegetable shortening," does this represent the five very fine American soft oils that we know are low or have no lauric acid, which is the culprit in raising cholesterol, or does this product contain coconut oil, of an offshore procurement item that is high in lauric acid and is very dangerous to cardiac patients?

There is a double standard. Industry must label according to the Department of Agriculture regulation. We must list every product, every component that is in the product; but the Department of Agriculture, issuing to public health hospitals and agencies for feeding the aged or in nursing homes, does not have to label according to the meat and poultry statutes. I think the double standard should go. I think that we should all use a standard that does list the components and when the nutritional analyses listing for labeling is finalized it is going to be most helpful to all of us in the business of determining the nutritional components of the foods we buy and the foods we serve and that information should also appear on the food containers issued by the Department of Agriculture.

Senator SCHWEIKER. Thank you. You made a very important contribution. I guess it is the traditional story of the shoemaker's children in terms of handling this problem. I think that is rather tragic really, with the vast resources of the Federal Government and the vast involvement with food, that our record is that poor. So I think your testimony has been very helpful to this committee in seeing what remedial action our committee can take to change the double standard.

I know Senator Percy has some questions, so I will let him resume the Chair here.

Senator PERCY. I have only one question relating to your testimony, Mr. Stephens. In your testimony on page 6, you state that of the 88 recommendations submitted by panel V-4, four recommended the elimination of price support commodities. Which Federal agencies are involved?

Refused $50 Million in Surplus Foods

Mr. Stephens. Well, one which I can remember clearly was the Department of Defense who was representing all of the military services. They recommended and were quite happy to put themselves in the position to save the Department of Agriculture, as I recall, $50 million. They did not want the surplus commodities. They interferred with their food production and processing systems, but yet they had to take these commodities and fit them into a food production system which was already adequately designed. I can remember the representative of the Defense Department talking—I guess you could say testifying to our panel at this point, that he did not want the in-kind reimbursement in money. He did not want the $50 million. He just wanted not to have to take surplus foods and use them.

We had the same recommendations from many of the members of the American School Food Service Association. Really, what they were saying at that point in time, as we were looking at large meal delivery systems, is that because of the uncertainty of the commodity distribution operation as it relates to schools because the commodities, in many instances, did not arrive on time; they were not always adaptable to a modern food processing technique in a large school and, in many cases, they were not the things that they wanted or could use.

Public schools have a very difficult time absorbing hundreds of cases of olives into a school lunch program. Kids do not like ripe olives and you do not need a lot of research to determine that, yet schools have ripe olives distributed to them for school lunch use.

The Veterans' Administration was another group that raised the same question, and also some of the children's programs in HEW, including projects feeding migrant children.

The reason was not that the food was not of good quality—we did not discuss that—but it made the operation of a large efficient food service delivery system impractical by introducing at a late date an unknown quantity or even an item into a food production process and having to use it inefficiently. We looked at the food service problems at the Federal prisons and they did not want commodities for the same reason. They could not rely on them. They could not integrate them into what they were attempting to do, to develop an efficient and very effective food delivery system.

Senator Percy. I wonder if I could ask ARA to perform a service for this committee which can also be useful for the Senate Special Committee on Aging—in trying to assess nursing homes and how much they should be spending on food. They are, of course, limited by the total payment that they get from public aid cases to take care of their people.

I am particularly interested in the detailed studies we are making now in Chicago on where that dollar goes and I am trying to decide what would be required to spend for a nursing home; what should they have to spend assuming they have 100 beds. I suppose that is a pretty mean figure.

Offhand, would you have any idea what the cost per meal for a unit serving 100 people, three meals a day, would be? If you cannot furnish it offhand, would you mind giving that information to me?

Mr. STEPHENS. I will be glad to give it to you.* I cannot furnish it offhand, but we can do it. We do provide food service in a number of nursing homes throughout the country.

FOOD DISTRIBUTION PROGRAM PROBLEMS FOR ELDERLY

Senator PERCY. One last question on the elderly. Are there problems particular with the Food Distribution Program for the elderly—let's just say a woman living in a rooming house in one room. Does she have cooking facilities? Can she go get the commodity food? Is commodity food available to her? Can she store it when she gets it? And if she can only get it once a month, what happens to the food that is left around her room?

Have you had any experience with the in-feeding of the elderly at community centers or some central point and could you offer any comments on the value of that from a social standpoint as against just giving a single person, living alone, commodity foods and saying, "Now, you take care of the rest of the problem. We have given you this."

Mr. STEPHENS. Well, I am not an expert in this area, but our company has had experience in this area.

We are working in a couple of projects now in this country, one of them right here in Washington, D.C., where we are feeding a number of elderly retired people through a grant which has been obtained by the Urban League, and for whom we are providing the food service.

One of the principal benefits of that program is not just a well-balanced, nutritious meal designed for someone who is aged 65 and over—and this meal design is a little bit different nutritional engineering than you apply to the young people—but the important thing is that these elderly people are brought out of these single rooms where they are lonely and alone, and they are brought into the company of other people of their own age. The social interaction which takes place around that luncheon table—and I think too often we forget that sitting down and eating together is one of the greatest opportunities for social cultural exchange that takes place in our society. Usually when you want to impress someone or get to know someone better you take them to lunch or you get a group of people around a table. In our college food service, our principal philosophy is that the round dining table is one of the most effective instruments for education on a college campus because it gets students together to talk. In my opinion, you do not get an education, I am sorry to say, by sitting in a classroom; you get information. But when you live and interact with other people in a nonthreatening dining environment you may very well benefit from the experience.

We found that in these programs for the elderly, particularly the one here in Washington, that the real invigorating part of the experience is not just the food, but it is the social intercourse which takes place, the interaction, and it is possible because people come together to eat.

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*At time of printing, information was not received.

Senator Percy. We thank you very much for being with us and for your very helpful testimony.

Mrs. Robertson. Senator Percy, we have heard a lot in the last 2 days about food preferences. Our company has been collecting food preference data for all of 20 years and have been collating this, and—since we realized that some of the commodities and some of the programs in the Department of Agriculture or that they administered were not too acceptable—we initiated some research. We used 1 percent of the total college population—these were students from all walks of life—and did an evaluation of food preferences.

Our study indicates that the majority of those items that are issued in the surplus commodity program have a very low acceptance. An example is the navy bean. It is one of the most disliked items on our list.

Senator Percy. You mean the one that we use in the Senate soup?

Mrs. Robertson. Yes, sir.

Senator Percy. I would like to say that the first day I arrived here I ordered a bowl of Senate soup. That was 5 years ago and I have not had one since. I relate with that voter preference.

Food Preferences in Relation to Nutrition

Mrs. Robertson. Yes; we have analyzed preferences of foods as consumed in relation to nutrition. I would like to leave this information with you. In my opinion, this is one of the finest studies that our company has done for the Government because it does outline a background of food preferences in relation to nutrition. We have had hundreds of requests from land-grant colleges for a copy of this report.

Senator Percy. Well, without objection, it will be inserted in the record.*

Our final witness is Mr. Ralph Abascal. Mr. Abascal, I understand you are staff attorney for the San Francisco Neighborhood Legal Assistance Foundation.

STATEMENT OF RALPH ABASCAL, STAFF ATTORNEY, NEIGHBORHOOD LEGAL ASSISTANCE FOUNDATION, SAN FRANCISCO, CALIF.

Mr. Abascal. Senator Percy, I will depart substantially from my prepared testimony because a lot of it is redundant and because everybody wants to get to lunch.

Before proceeding, I would like to thank you for the opportunity to share my thoughts, and the thoughts of the many other people who are also interested in the improvement of the Food Distribution Program. The testimony that I will present is a composite of those many views.

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*See Appendix 2, p. 2284.

PROGRAM IS AN "UNPROGRAM"

The program is, to borrow from Madison Avenue, really an unprogram. Many of its deficiencies can easily be traced to unimaginative, unsympathetic administration by Federal, State, and local administrators. And, while I will present several examples of administrative failings, such fault-finding is just too easy. Really, the responsibility for the deficiencies of the program lie with Congress and the poverty law "establishment," perhaps most fundamentally with the latter. While nearly every State in the Union participates to one degree or another, and there are over 3.5 million poor persons who receive food from the program, only three lawsuits have been brought by the poverty lawyers. That record is by no means indicative of the degree of illegal operation of the program nor the absence of legal "pegs" upon which a suit can be brought. It is indicative of indifference; the same indifference as the congressional and administrative varieties that have long prevailed. In fact, the program is really the illegitimate child in the food program family. You characterized it as a stepchild. It is an illegitimate child. Whatever improvements are made in the food programs are made last, if ever, in the commodity program. For example, in April 1969, the Department of Agriculture, by regulation, required the States to grant administrative hearings to aggrieved food stamp recipients. A year later, on Saturday, April 4, 1970, after repeated threats of suit, and a final notice that suit would be filed early Monday morning, the Department finally issued a regulation providing administrative hearings for commodity recipients.

Reconstitution of the program is necessary simply because of its many failings, and you have heard of those failings these past 2 days, but there is a more important reason for reconstitution of the program. If H.R. 1 is enacted with its food stamp "cash-out" provision, reform is even more urgent. If H.R. 1 was implemented in California on October 1 of this year, 35 to 45 percent of all AFDC families would have their grants reduced or terminated. That would be true if California elected to take full advantage of all of H.R. 1's options. Most of the debate that currently exists in Congress is whether the option of State supplementation of the Federal benefit level of H.R. 1 shall not be optional, but mandatory upon the States. If the Congress decides to make it mandatory, the effect that will result in California, that is, the reduction or termination of the AFDC aid of 35 to 45 percent of all the families, will occur in approximately 40 States throughout the country.

Now, if I can move to the blackboard, I will describe the method and the way it operates. This is why I believe that the commodity program and concern for the commodity program is very, very essential at this time.

The present welfare system operates on the concept of need, and the Federal Government tells to the States to determine what is called a standard of need: determine whether recipients need shelter; whether they need food; whether they need clothing. Once you determine the categories of a basic subsistence requirement, then price those requirements. That results in a composite.

Composite Averages Lower Necessary Payments

Let's consider a hypothetical welfare system in which we have 100 families of four, a woman and three children. The need for those families in hypothetical state is $300. Thirty-nine of the 50 States do not pay what they determine to be minimally needed; rather, they have payment limitations, something less than full need is paid for a variety of reasons.

Let's assume in this hypothetical state that the payment is limited to $250. Now, the system presently operates this way: If the family is fortunate to have other income—veteran's benefits, Social Security, child support, earned income, income from outside sources —that income is subtracted from the $300.

Now, assume in this hypothetical state that 25 of the 100 families receive $50 in child support. The budgeting method is to subtract the $50 from the $300. That results in a $250 deficit which is equal to the grant maximum. So all 100 families receive a grant of $250. Twenty-five families, in addition, have outside income of $50; multiplying the number of families and their income, the average income is $262.50.

What H.R. 1 does to reach this result of reduction of grants is to tell the States that they can make this kind of computation: What is the average income of the specific caseload in your State? Hypothetically, it would be $262.50. Reaching that average income, that would be the maximum grant allowable under H.R. 1.

But the treatment of outside income is to then subtract it from the $262.50. In this hypothetical example, these families that have $50 child support, the $50 is then subtracted from the $262.50 and their grant is $212.50. It is, in effect, as though each of the 25 families took three envelopes and put $12.50 in each of those envelopes and went across the street to three of their neighbors and gave each neighbor one of the envelopes. Because all 100 families have an income of $262.50, it is an income redistribution scheme, but operative only amongst the poor.

Now, the effect of that on a nationwide scale is that approximately 40 States have payment systems where they pay less than full need and approximately a third of the recipients throughout the country have some outside income, so these kinds of consequences result; necessarily, a grant will be reduced. They can still participate within the system but their income will go down. They will have less money for food because their outside income is supplementing their grant and the supplementation will be less and their food needs will be greater.

So any idea that a "cash-out" of the Food Stamp Program will add to incomes through H.R. 1 is spurious because this effect on the top part of the caseload. In fact, California's recently enacted Welfare Reform Act of 1971 is due to be implemented on October 1, 1971. We will, in effect, see H.R. 1 operative in California very soon; these figures that I have given you, approximately 35 to 45 percent predicted reductions in the California caseload, will be a result of the recently enacted State statute which incorporates H.R. 1's provisions.

Then, if H.R. 1 is not made mandatory upon the State, there is a further possibility that the results will be even worse because if the

States do not take full advantage of H.R. 1 grants will be even lower than at present and the consequences will be greater.

Because H.R. 1 contemplates Federal administration, the opportunity to convert the commodity program to Federal administration is apparent. HEW operating H.R. 1 programs should operate commodity programs so people will not have to go to two or three different offices, but it is also necessary even now. If the decision is to retain State and local administration, the costs should be borne by the Federal Government. At an absolute bare minimum, I will propose a sliding scale cost-sharing scheme in more detail later in my testimony.

Department Policy Executes Congressional Will

The commodity program began in 1935 for the fundamental purpose of disposing of agricultural gluts; that policy remains today and it pervades the program's administration. Until Congress directs the Department of Agriculture otherwise, that policy, and its deficiencies, will remain. At bottom, the Department cannot be faulted for executing the congressional will; however, this is not to say that agriculture's interests cannot be reconciled with those of the poor.

The program's deficiencies fall into three basic categories: (1) The benefits—what is provided to the poor; (2) the eligibility standard—who gets what benefits are provided: and, (3) the distribution of benefits—how those who are provided benefits get them.

Within each category, improvements can be made under the direction of Congress. Perfection cannot be achieved because we live in an "Nth best" world. Many of these improvements will cost money, but many will not. In any case, Congress has long ago provided more than enough money to improve the program. Since 1959, more than $1.25 billion available to the program has gone unused because Congress did not otherwise express its will. Such silence is a fundamental tragedy considering the physical and intellectual toll upon the Nation's basic resource—its children. Aside from the human suffering, it is just bad economics to "invest" so little in such a basic resource.

But, unfortunately in some respects, the poor are overly generous in their ability to forgive; so now is not the time for remonstration, it is the time for rectification.

The first and most basic problem to be resolved is what benefits are to be provided by the program. USDA has always interpreted its authority to be restricted to providing the poor with the product of gluts; it is cheaper to give those products away than to store them in hope that a shortage will exist in the future. While this interpretation has long existed, it is not compelled by legislation. Section 32 of the Agricultural Adjustment Act of 1935, the basic legislative base of the program, contains no such restriction. It provides a continuing appropriation of 30 percent of the previous year's customs receipts, plus $300 million of unused funds from earlier years which:

> Shall be used . . . to . . . encourage the domestic consumption of . . . commodities or products by diverting them . . . from the normal channels of trade and commerce or by increasing their utilization among persons in low-income groups . . .

The only restriction as to what commodities fall within the Department's power is that no more than 25 percent can be spent upon any one commodity.

Now, this broader legal interpretation of the Department's authority has been concurred in by USDA. At pages 52–53, "Hunger U.S.A.," here appears a dialog between the general counsel's office and the members of the citizen's committee. There is no restriction limiting food for the poor to the product of gluts. USDA has taken the position that if it purchased products that were not glutting, or about to glut, their respective markets, such action would raise the price of the product unnaturally and distort the product's market. However, it does not require a great degree of economic sophistication to realize that if USDA makes known to agricultural producers in any given product market that it regularly will demand so much of that product, production will increase to meet such permanent new demand and return the market to its former price equilibrium. I could go into this further, having endured 4 years of graduate economics at the University of California, Berkeley, prior to law school, but I would think it wiser if the committee would solicit the views of agricultural economists on this score. I suggest Professor Galbraith of Harvard.

The consequence to the poor of restricting program benefits to surplus commodities is obvious: Available food varies according to the vagaries of production. But there is even greater variation, the fault of which lies at each and every level of administration.

At the Federal level, certain foods are additionally unavailable because of poor logistical planning and failure to exercise existing authority. In the spring of 1970, 150 carloads of food destined for California was delayed for reasons which were never explained to me; many items were unavailable during the next month. On June 1, 1970, in response to an inquiry from the Navajo Tribe in Arizona, the San Francisco regional office of USDA said:

> Another problem that we are constantly confronted with is contractors' inability to meet the shipping schedule under the contract. There is nothing that can be done for this failure to ship on time except to assess a penalty or fine.

Penalties Should Be Assessed on Nonperformance

Presumably, such contracts are profitable or they would not be sought. A sufficiently high penalty should insure that the processing industry meets its responsibilities. The States and Federal Governments, in building highways and public works, readily assess penalties. I have attempted to determine the extent to which the Department so exercises its authority on its contracts, to no avail. That is, my attempt has been to no avail.

At the State and local level, there is further variation of federally available commodities, which is dependent simply upon the willingness of State and local administrators to make them available to the poor. For example, during March 1970, among the 15 participating Arizona counties, the number of items not offered varied between four and 12 of the 22. In California during July 1969, as many as eight of the items were not offered by some counties. These examples are not the worst.

In many areas, even fewer are offered. Puerto Rico averages between eight and 12 items per month.

The monthly inventory sheets do not tell the whole story. I recall several months during which Sutter County, Calif., offered no more than four or five items to those whose pickup dates fell in the last half of a month. Why? Either the county maintained no inventory control or it was a conscious, deliberate policy decision. Time and time again these same stories are repeated throughout the Nation. The problem exists because of two combined factors: (1) The Department does not require full distribution; and (2) local costs of transportation and storage—$6 to $7 per year per person—are borne by local government; since these costs are directly related to what perishables require refrigeration equipment and how much is distributed, both factors combine to create a very real incentive to distribute less than is available. Outreach programs are disfavored because they only increase local costs.

ONLY 20 COUNTIES HAD ALL "AVAILABLE" COMMODITIES

I understand that there are only 20 counties in the country that had regularly distributed all available commodities. Mississippi "baiters" would be interested to know that all of those counties are in Mississippi. Why? Probably because OEO had assumed all of the local costs of the program.

Recently, the Department has taken steps to reduce the local cost factor as an inhibition to broader participation. During 1970, $15 million was made available to local government to establish programs where none existed, and to expand existing programs where local governments claim to be unable to provide additional funds. These funds are to be apportioned according to two factors: The relative degree of poverty in a State, and the relative per capita income, each related to the respective national levels. However, the regulations do not state how much weight is to be given to each factor.

I would suggest another alternative, that which was suggested by Secretary Freeman before this committee on January 8, 1969. He suggested that the same two factors would provide a county with between 20 to 90 percent of its local costs. The distinction between these two plans is that there is a sliding scale and Secretary Freeman's operates with an open budget, whereas the present one operates with a "close-ended" budget—the $15 million. The other would operate with an "open-ended" budget. Given the expansion needs for real improvement, the open-ended plan is the only one with any hope of success. The money is available; only an increased will need be expressed. Section 32 funds are very considerable. It is my understanding that that section is embarrassing to the Department since apparently it has returned over $1.25 billion to the Treasury that was available for use in the program. Last year, funds were not returned to the Treasury, but it is my understanding the commodity CCC appropriation has been reduced by using Section 32 funds for commodity credit purchases, thus utilizing all Section 32 funds and reducing embarrassing surpluses. I am not certain of this, but this is what I understand; I think it would be worthwhile to examine the appropriations request of the Department for CCC purchases under Section 416 and several other sections of the act, which I think have been reduced in terms of their request, reducing such appropriations and using, instead, Section 32 funds. But Section 32 funds are there and available for the commodity distribution program.

The second advantage of the latter plan, the sliding scale scheme of distributing funds to local government, is that it recognizes that there are poor counties that exist in wealthy States.

But even if a better assistance formula is used, we will still see examples like those which occurred recently in Oklahoma and Arizona. A few months ago, Oklahoma refused $570,000 in additional Federal assistance; a year ago, Arizona refused $160,000 to expand distribution on the Navajo Reservation. Such situations simply require greater assertion of Federal power, legislative or administrative.

Within the limits of what items are made available, after going through each level of government, the quantities of available items are often insufficient. Through the odd and perverse first "General Law of Government Benefits," those most in need are aided least. I will not go into detail, but the way it works for farmworkers is tragic. If you are too poor, the various HUD programs are beyond your reach; if you are wholly unskilled, you are too much of a problem for the manpower administrators. This committee has seen examples of this general law with respect to the School Lunch Program.

STILL NUTRITIONALLY INADEQUATE

The Department has acknowledged that even if all counties distributed the whole theoretical bundle, it would be nutritionally inadequate. Families with no cash income, which are numerous, as you know, have only the actual bundle to eat. Thirty ounces of meat per person per month is just too Spartan. If you decide that the program will not be designed to provide an adequate diet to all participants, it would still be a simple matter to double or treble the quantity of certain items as income declines.

The quality of many items leaves much to be desired. Time after time, from each State we hear of bugs and maggots in food, of rancid butter, of hardened or spoiled cheese, of rats or mice in food. The solution seems simple. Try harder and care more.

Finally, no allowance is made for cultural and ethnic variations in eating patterns.

I would suggest one additional solution applicable to each and all of these problems: A National Client's Council. In Government regions there would be 12 to 15 commodity recipients, and they would designate representatives to the National Council. I have a great deal of faith in the ability of welfare and commodity recipients to articulate their needs. In a free market, preferences are expressed very directly. Such a council would substitute for this mechanism. If this suggestion is accepted, make it real; provide for appellate review to the Secretary, with a written decision required from an adverse ruling by lower level administrators. Then the council should be provided with a "slush fund" to overrule the Secretary in a few instances. The choice as to which instances will then be up to them.

The second problem is that of eligibility standards. I think few examples are needed to indicate that Federal eligibility is required, a uniform national standard. So, first and foremost, there must be national eligibility standards. Congress has already recognized this in the School Lunch and the Food Stamp Programs. But experiment with the new commodity program—provide for regional income variations based upon the Department of Labor's $6,500 annual standard for a family of four. Congress has wisely recognized the reality of regional differences in many of the housing programs. The data is available and so are the computers which make the mechanics quite simple.

Until then, this committee should exert its strongest efforts to urge USDA to enforce its own regulations requiring statewide uniformity of eligibility standards. Existing Federal regulations compel uniform statewide standards and they require the State to compel local units to conform to those standards.

STARVE CHILDREN IF PARENT IS A DRUNK

Two years ago, this committee detailed the varying eligibility standards that existed from county to county within the various States. ("Poverty, Malnutrition and Federal Food Assistance Programs: A Statistical Summary," September 1969, at 14–16.) Some of these are quite unusual. For example, a family with a dog is denied commodities in Cass County, Ind. It is unclear whether this is done because the family is thereby considered to not be in need or because it is presumed that the dog will share the corn meal. In Starke County, Ind., "If one or both of the parents are drunks, they are excluded for the sake of the children."

In enlightened California, we were not free from varying eligibility standards. The 17 letters in exhibit 1* to my written testimony present a sad chronicle of inaction by both State and Federal officials who were aware of the manner in which the poor in 12 of California's counties were long denied the program's meager benefits. These 12 counties, in one fashion or another, refused food to some or all public assistance recipients.

STATE ADMINISTRATOR NOT "COMPETENT TO JUDGE . . ."

In 1967, a series of six letters was exchanged between the Marysville office of California Rural Legal Assistance, the State administrator and the USDA regional office. CRLA contended that Sutter County's denial of food to all public assistance recipients violated the State plan, which itself required distribution to all such households. USDA acknowledged that it was aware of this problem in Sutter and other counties but the only help offered was to suggest that the county supervisors be contacted by CRLA in hope that they would change their policy. The State's response was that the Federal regulations offered each county a choice to include or exclude welfare families; like, USDA, it was suggested that the board of supervisors be contacted. CRLA's response was a detailed legal analysis of the Federal regulations which reached the obvious conclusion from clear regulatory language, that only the State could make such a choice and the State plan had opted for inclusive eligibility. Finally, the State administrator responsed by claiming that he, as a layman, was not competent to judge the legal analysis; anyway, if the State adopted CRLA's interpretation, he said that he was "afraid that all 26 counties . . . would withdraw." This chapter then ended as the interested attorney left CRLA.

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*See Appendix 2, pp. 2292–2301.

The next chapter began in 1969, when, shortly after arriving in Marysville, I initiated a series of 11 letters. The same arguments were made. Exasperated, on November 13, 1969, I threatened suit. Twelve days later, USDA finally acknowledged that the regulations meant what they said and the State was directed to enforce its own plan. Then California's Attorney General wrote Dr. Max Rafferty, the State administrator, detailing the illegality and urging immediate enforcement of the State plan. Then the phone calls began, but nothing happened—just assurances of "all deliberate speed" were given. I should remind you that this was the winter of 1969, hopefully, northern California's last great flood. It rained every day in December. This is orchard country and it was the pruning season but no work was available because of the rain. In fact, in mid-January, the President declared the 14-county region a disaster area; over $60 million was soon provided in disaster relief.

Yet, we finally had to file suit on February 4, 1970, on behalf of all the excluded families in the 12 counties; I have attached copies of the pleadings as exhibit 2.* On the very next day, the State plan was revised to emphasize that the counties had to comply with it. On the following day, USDA approved the revision. Because of the ever-present procedural delays in court, it was 9 months before the last county, San Bernardino, gave in and complied. In the five worst counties, before the suit, there was a total of 1,954 persons participating. After, participation increased in these five to over 31,000. In Merced County it went from 215 to nearly 15,000 in 8 months. For all 12 counties, participation increased from 50,000 to over 190,000.

Prior to the suit there was either a food stamp or a commodity program in every county of the State. But, as the California experience demonstrated, it is not enough for USDA to come before this committee with just data as to the number of counties in the Nation with an operative program. The testimony of the witnesses that were heard last year presented a very good analysis of the programs that existed in California.

Illegally operated programs exist all over the country. The responsibility of requiring the States to comply with Federal regulations is that of the Department of Agriculture. But they never have assumed that responsibility.

PROGRAM BENEFITS TREATED AS INCOME

Another eligibility problem that should be dealt with is that of treating program benefits as income. In Massachusetts, most of the housing authorities were assuming that all tenants received benefits from either the food stamp or commodity program and the School Lunch Program. Rents were determined on the basis of such assumptions. Soon after a lawsuit was filed this year, the practice ceased. A current regulation prohibits the reduction of welfare grants because commodity benefits are received. It should be modified to bar consideration of such benefits for any purpose.

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*See Appendix 2, p. 2301.

Senator Murphy, 2 years ago, believed that OEO Legal Services Programs should deal with cases of individuals and not broad legal problems or test cases; but what we are dealing with, Senator, is law enforcement cases: not test cases. It is a great waste of legal resources to have to go to court after exchanging 17 letters between State and Federal administrators to enforce a very clear Federal obligation on the part of local and State governments. This is the duty of the Federal Government—to waste those kinds of resources, to have to go to court and suffer all of the tedious procedural delays and consume the energy of so many people—when the Federal Government should be enforcing its own regulations—is a pure waste of our resources. Most of the efforts that we have to engage in is to force governments to obey the existing law that applies to them.

Many, but not all, States provide for hardship deductions from gross income. These deductions recognize that some families have excess costs for shelter, medical care, transportation, et cetera. These should apply in every State.

Many counties deny commodities during the harvest season. This crude, archaic "work incentive" could be stopped by litigation. It would be so much easier though if the Department merely exercised its regulatory power.

With respect to migrants and residency, there should be no residency requirements for migrants. There are two types of residency requirements. Durational residence requires you to be a permanent resident of an area for a particular period of time. That is unconstitutional. But there are still many areas that are applying it. The other type of residency requirement, one that is most important for migrants because migrants have a permanent home somewhere, is the requirement of permanent residency. It means that you have to have an intention to remain in that State but no durational intention. Migrants usually have no such intention. Such a requirement should be eliminated from the commodity program because it excludes migrants from its vital benefits.

The inability or unwillingness of many local officials to spend no more on administrative and operational costs than the absolute minimum pervades the program. Its effect is most telling in the variety of barriers which are placed before actual participants. The problem is both fiscal and logistical.

THE FURTHEST SHALL BE LAST

Here, the "First Law of Government Benefits" operates most clearly. The further one lives from a distribution center, the less likely he is to participate. The full "bundle" weighs about 100 pounds for a family of four. Twenty-five pounds can be very heavy for the aged or infirm. When a family is especially poor, no car exists and taxi or bus fare—but, of course, there are no buses in the poorest areas—comes very, very dear. The answer is more distribution centers and trucks when population density is particularly low. On the Pine Ridge Indian Reservation in South Dakota—the second largest in the United States, 4,300 square miles—there is only one certification clerk—at the town of Pine Ridge. Seventy-five percent of the participants live throughout the rest of the reservation. When it snows, there is a significant decline in participation.

Many of the problems that exist in terms of the logistical distribution of commodities require more labor, a greater frequency of distribution, and more distribution centers. As others have described, local government is unwilling or unable to provide the necessary funds for such increased costs.

I would suggest a simple answer. In 1967, Congress amended the Social Security Act and added the work incentive program (WIN). AFDC recipients could be employed under Section 432 of the act to learn warehousing and teamster skills, participation in the commodity program could expand significantly, and the counties could be relived of four-fifths of their personnel costs. [WIN provides that the Federal Government will pay 80 percent of the wage.] Perhaps if HEW had been administering the commodity program, this would be a reality today. I know of no public service project in the commodity distribution context. WIN is available and it should be utilized in order to expand the existing funds that the counties and States are willing to commit with respect to labor.

There is one final item that I would like to mention. Just a few months ago, Congress made it abundantly clear that dual operation of the food stamp and commodity programs would be available to those States initiating such a request. Food Stamp Amendments of 1971, Public Law 91–71, Section 3(b). Congress provided for three instances in which this could occur; the third instance is "on the request of the State agency." On July 21, 1971, the State of Washington requested dual operation because of incredibly high level of unemployment in the State. The June 1971 unemployment rate in Seattle was 15.7 percent; in the city's model cities area in January 1971, it was 48 percent.

USDA Denies State's Rights

On August 5, 1971, USDA wrote the State and, while acknowledging that the 1971 Food Stamp Amendments provides for dual operation on request of the States, said that "the Department has decided that it will not approve any dual operations."

I want to come back to my initial theme. In 1788, James Madison, in the Federalist Papers (No. 51), said in both pithy and eternally applicable terms that:

> In framing a government, which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

This is now the "next place" for Congress and the commodity program.

Senator Percy. I thank you very much and it could not end on a better note. I think Federalist Paper No. 51 is on factions in government. It is certainly one of the most intelligent documents in analyzing how we operate, and we certainly see evidence of that every day in Congress.

Because of the lateness of the hour, I will keep my questions very short; and your statement was so complete and thorough that it will not be necessary to question you too deeply.

Does the State or the county pick up the national funds in the sliding scale which you propose?

Mr. ABASCAL. I think it would be more preferable to have the State pick up the matching funds because the State has a much greater taxing power. That is something that has been discussed with respect to revenue sharing. It would be much simpler for the State to pick up the local matching funds and the sliding scale would be the determinant of how much goes to each county. This would be based on county variations in these two factors. OEO has collected the data for each county in the Nation; it keeps the data current; the Department of Agriculture can utilize it.

Senator PERCY. You mentioned that if the program had been administered by HEW, the WIN program would have provided a solution to train personnel to dispose of the food and so forth.

Why do you think the WIN program has not been applied to the commodity program under the USDA?

Mr. ABASCAL. I think that is an example of many of the problems of administering the program by the Department of Agriculture and perhaps it is lack of information about the existence of this program. But HEW is committed to this program and those kinds of programs that exist like Manpower in the Department of Labor and HEW are very familiar to the administrators there.

Perhaps if the commodity program had been administered in HEW, the idea would have occurred to them that they could extend WIN and relieve many of the problems of local government by combining the two programs, the commodity and the work programs.

Senator PERCY. What would you suggest as the money source for this open-ended administrative fund?

Mr. ABASCAL. Section 32. Section 32 provides more than enough money than would be necessary. As I said, $400 million was returned to the Treasury in 1969. I am not certain of the conversion of these Section 32 funds to effect a reduction of CCC appropriations, but I think that should be inquired into by the committee.

If Section 32 funds could be used for the Commodity Credit Corporation so that they will not have to return Section 32 funds, there is much more than enough in Section 32.

Senator PERCY. Do you happen to know how much USDA collects in liquidated damages every year?

USDA HAS NO INFORMATION ON COLLECTIONS

Mr. ABASCAL. No. It is my understanding that a recent response to such an inquiry by the USDA said that such information is not available. I think that is a further condemnation of the Department. If their accounting function is so inefficient that they do not know how much they collect with respect to the exercise of this power, there is something wrong with their accounting.

Senator PERCY. Finally, do you think that we need legislation to bring about this Client's Council or can it be done by regulation?

Mr. Abascal. Nearly every one of these solutions—the recommendations that I have made and many other people have made—can be made by regulation, because the legislation for the program is so limited. All there is is an appropriation. Section 32 is merely an appropriation and the purpose is to provide food for low-income households. There is no other legislative limitation. All these things can be done by regulation. Congress has not restricted USDA in any way. In fact, it has given probably the broadest based latitude to this program that has been given to anything similar. Nearly everything that has been suggested can be done by regulation.

Senator Percy. Lastly, on page 4 of your testimony, you indicated that if H.R. 1 is enacted or were to be enacted on October 1 of this year, 35 to 45 percent of all AFDC families would have their grants reduced or terminated.

What you are talking about there is their commodity food grants?

Mr. Abascal. No.

Senator Percy. Are you implying that you do not favor H.R. 1 for that reason?

Mr. Abascal. No. Their welfare grants would be reduced or terminated. Their cash assistance grants would be reduced or terminated by that rough percentage, and that is because of the elimination of the concept of need.

The method of taking outside income and subtracting it from an average income so that in the upper third, those families that are able to achieve full need because of the supplemental income, their total incomes will be redistributed to those with no income, so their grants will decline. Therefore, their food needs will be more dependent upon some other program.

Senator Percy. Do you personally support H.R. 1?

Mr. Abascal. No, I do not.

Senator Percy. And have you made clear your reasons for that?

Mr. Abascal. No, I have not. I talked to several people in the last couple days on this position, people who are very close to the bill—Senator Ribicoff's office—and I am planning to write to the Congress and explain this. My familiarity with it, again, is simply because California is doing this and we filed a lawsuit 2 weeks ago on this issue, and then I began to understand that the new California grant system is the H.R. 1 grant system, and these consequences become clear to me from that experience.

Senator Percy. Mr. Abascal, we thank you very much for being here. I wonder if Mr. Schlossberg has any questions?

WAS DEPARTMENT IN VIOLATION OF LAW?

Mr. Schlossberg. I really have just one comment. Senator Percy mentioned this earlier in the hearing when you were not in the room—in regard to the dual operation of the programs. Given the act passed last year—which specifically provides for Department regulations, which also provide for it—it would seem that the Department's position, in regard to Seattle that they would not permit dual operations, is in clear violation of the law.

Mr. **Abascal**. The two earlier—there are three options. The first two options require some determination of fact by the Secretary. The first is that during temporary emergency situations the Secretary determines the commercial channels of food distribution has been disrupted. That requires a factual determination.

The second category, for such periods of time the Secretary determines necessary to effect an orderly transition from food stamps to commodities. That requires a factual determination.

But the third category is just upon the request of the State agency. The State of Washington requested this and 3 weeks later the Department said, "We have determined as a matter of policy we will not approve any dual operation."

Mr. **Schlossberg**. In this case, the State was willing to pay for the operation of the program?

Mr. **Abascal**. Yes. They did not request any subsidy from the Department in terms of administrative costs, but merely requested authorization of the Department. The State was willing to pick up the costs to satisfy this tremendous need. Unemployment is very, very high—15.7 percent. There is a great deal of unemployment. If it is 15 percent unemployment, hidden unemployment becomes very, very high; as shown by all the data on unemployment in the model cities area, it is 48 percent.

Mr. **Schlossberg**. Thank you.

Senator **Percy**. I would like representatives from the Department of Agriculture to just meet with me for a moment afterwards. I would like to put a question to them.

I wish to express the complete appreciation to our witnesses today who have offered such valuable testimony and assisted this committee so much.

The committee is in recess, to reconvene at 10 a.m., on Wednesday, in room S-407, of the Capitol.

(Whereupon, at 1:10 p.m., the Select Committee was recessed, to reconvene at 10 a.m., on September 22, 1971, in room S-407, of the Capitol.)

APPENDIXES

Appendix 1

ITEMS PERTINENT TO HEARINGS OF SEPT. 15, 1971

Item 1—Material Submitted by Witnesses

FROM MARLOW RIGGINS

CITY OF PHOENIX,
OFFICE OF THE MAYOR,
September 13, 1971.

To whom it may concern:

I hereby verify that on one occasion while visiting the Riggins family, I observed bones and feathers in surplus commodity chicken.

BILL EVANS.

We, the undersigned, who must rely mainly on USDA surplus foods for our family's diet want to protest the condition of certain surplus commodities. We have received flour, rice, and canned chicken that actually has been infested with worms. We have also found feathers and sharp pieces of bones in the "boneless" chicken. We know that our families would be better nourished if we were able to buy fresh foods, locally grown. We believe that the agricultural growers in our State would benefit more if we could buy their products with Food Stamps than they do under the present system of surplus commodities:

Date	Name	Address	Remarks
Sept. 10, 1971	Ruby Bowen	1115 West Broadway, Phoenix Ariz.	Worms and little black bugs in commodities.
Sept. 10, 1971	Marlow Riggins	1437 East Monroe, Apt. 555, Phoenix, Ariz.	Flour, rice, with worms, feathers and sharp bones in cans of chicken.
Sept. 10, 1971	Lonie Lee Morgan	1939 East Purchla	Worms in chicken.
Sept. 10, 1971	Jessie Mary Cheatam	3102 East Chipman Road, Phoenix, Ariz.	Bugs in flour.
Sept. 10, 1971	Eumuhii Fox	2051 East Sana Ana, Phoenix, Ariz.	Worms in flour.
Sept. 10, 1971	Jewel H. Brown	4809 South Fourth Street	Black bugs in flour and rice.
Sept. 10, 1971	Ida Noble	4205 South 21st St.	Too many bugs and worms.
Sept. 13, 1971	James Will	211 East Illini Street, Space 14(85040) Phoenix, Ariz.	
	Wiley Noble	4205 South 21st St.	Not enough nutrition.

Exhibit A—Dietary Levels of Households in the United States, Spring 1965

(A Preliminary Report by Consumer and Food Economics Research Division, Agricultural Research Service, United States Department of Agriculture)

SUMMARY

A survey of the food consumption of a nationwide sample of 7,500 households made in the spring of 1965 shows that:

Amounts of food used in U.S. households were sufficient, on the average, to provide diets meeting the Recommended Dietary Allowances set by the Food and Nutrition Board of the National Academy of Sciences-National Research Council for calories and protein; for the minerals, calcium and iron; and for the vitamins, vitamin A value, thiamine, riboflavin, and ascorbic acid.

Half of the households had diets that met the allowances for all nutrients. These diets were rated "good."

The other half of the households had diets that failed to meet the allowances for one or more nutrients. Calcium, vitamin A value, and ascorbic acid were the nutrients most often found to be below allowances.

About one-fifth of the diets provided less than two-thirds of the allowances for one or more nutrients. These diets were rated "poor."

Little difference was found in the proportion of households with diets below the allowances for one or more nutrients in the four regions—Northeast, North Central, South, and West. Southern households spent less for food than households in other regions, but they had a greater nutritional return for each dollar spent.

Similar proportions of urban and rural households had diets below the allowances for one or more nutrients. More rural than urban diets were below allowances for vitamin A value and ascorbic acid. But for most of the other nutrients studied, more urban than rural diets were below allowances.

At each successively higher level of income, a greater percentage of households had diets that met allowances. High income of itself, however, did not insure good diets. More than one-third, 37 percent, of the households with incomes of $10,000 and over had diets that were below the allowances for one or more nutrients.

Almost two-thirds, 63 percent, of the households with incomes under $3,000 had diets that did not meet the allowances for one or more nutrients.

Over one-third, 36 percent, of the households with incomes under $3,000 had poor diets. At this income level poor diets occurred most frequently among urban households in the North Central and rural households in the South.

Fewer households had good diets in 1965 than in 1955—50 percent in 1965 and 60 percent in 1955. The proportion with poor diets increased over the 10-year period from about 15 percent in 1955 to 20 percent in 1965. Decreased use of milk and milk products and vegetables and fruit, the main sources of calcium, ascorbic acid, and vitamin A value, was chiefly responsible for these changes in dietary levels.

DIFFERENCES BY INCOME

Dietary adequacy, as measured by the percentage of household diets meeting the allowances for all seven nutrients, was related to income. At each successively higher levels of income, a greater percentage of households had diets that met the allowances.

High income alone did not insure good diets. More than one-third of the households with incomes of $10,000 and over had diets that did not meet the allowances for one or more nutrients.

Income level	Percent of diets below allowances for 1 or more nutrients	Average number of nutrients below allowances
Under $3,000	63	2.5
$3,000 to $4,999	57	2.2
$5,000 to $6,999	47	2.2
$7,000 to $9,999	44	2.0
$10,000 and over	37	1.9

As income increased the proportions of diets that were below the allowances declined less sharply for calcium and vitamin A value than for ascorbic acid.

Income level	Percent of diets below allowances for—		
	Calcium	Vitamin A value	Ascorbic acid
Under $3,000	36	36	42
$3,000 to $4,999	35	26	33
$5,000 to $6,999	29	24	24
$7,000 to $9,999	25	20	20
$10,000 and over	24	18	12

TABLE 20.—HOUSEHOLD DIETS PROVIDING LESS THAN NRC ALLOWANCE IN SPECIFIED NUMBER OF NUTRIENTS

Region, urbanization, 1964 money income after taxes	Percent of diets short in—				
	1 or more	1 only	2	3	4 to 7
(1)	(2)	(3)	(4)	(5)	(6)
United States:					
All urbanizations	100	44	26	14	16
Under $3,000	100	37	28	15	[1] 21
$3,000 to $4,999	100	43	27	16	15
$5,000 to $6,999	100	45	26	13	16
$7,000 to $9,999	100	52	25	11	12
$10,000 and over	100	53	20	16	11
Urban	100	44	25	14	17
Under $3,000	100	34	29	14	[2] 23
$3,000 to $4,999	100	43	25	15	16
$5,000 to $6,999	100	45	25	13	16
$7,000 to $9,999	100	51	25	12	12
$10,000 and over	100	53	21	15	11
Rural nonfarm	100	44	27	15	15
Under $3,000	100	41	24	16	[3] 18
$3,000 to $4,999	100	41	31	16	12
$5,000 to $6,999	100	43	29	12	16
$7,000 to $9,999	100	56	25	9	10
$10,000 and over	100	50	20	20	10
Rural farm	100	43	29	15	13
Under $3,000	100	34	30	17	[4] 18
$3,000 to $4,999	100	43	30	17	9
$5,000 to $6,999	100	50	26	13	11
$7,000 to $9,999	100	52	30	12	7
$10,000 and over	100	68	15	13	8

[1] 21 percent versus 13 percent average.
[2] 23 percent versus 14 percent average.
[3] 18 percent versus 12 percent average.
[4] 18 percent versus 9 percent average.

This table shows that, over all the United States, 21% of the families with a 1964 income under $3000 had diets which were deficient in 4 to 7 nutrients. Of the families with 1964 incomes over $3000, an average of only 13% were deficient in that many nutrients.

EXHIBITS B AND C

Exhibit B consists of two burst cans of evaporated milk, obtained by Robert B. Choate at the Direct Distribution warehouse in Ventura, California.

Exhibit C consists of one corroded can of tomatoes and one bulging and corroded can of orange juice, obtained at the same time and place.

EXHIBIT D

(From Ventura, California)

RAIN CHECK

____________________ (name)

____________________ (case no.)

When you picked up your donated foods on ____________________ we were unable to supply the following items:

Quantity	Item
____	____________________
____	____________________
____	____________________

We are sorry for any inconvenience this may have caused you. However, you may pick up this item if it is available, by presenting this rain check at any time during this month.

Donated Foods available to the Welfare Department vary monthly based on supplies on hand and distributed by the Department of Agriculture.

DEPARTMENT OF SOCIAL WELFARE

SURPLUS COMMODITIES BRANCH

56-0-549 (1-70)

- -

(TRANSLACION)

NOTICIA

XXXXXX X, XXXXXXXXXXXXXX (nombre)

XX XX-XXXXXXX-X-X (numero de caso)

Cuando vino por su orden de comida en XXXXXXX XX, XXXX no pudimos darle las siguientes cosas:

Cantidad	Producto
XX	XXXX XXXXX
X	XXXXXXXX XXXXX XXXXX

Lo sentimos si esto le ha causado cualquier inconveniencia. Sin embargo, puede cojer este producto, si lo tenemos, a cualquier tiempo este mes, presentando esta nota.

La comida donada disponible a este departamento cambia mensualmente dependiendo en las provisiones a meno, y las provisiones que nos manda el departamento de agricultura.

DEPARTMENT OF SOCIAL WELFARE

SURPLUS COMMODITIES BRANCH

56-0-549 (1-70)

EXHIBIT E

Telegram from USDA Dallas to USDA Washington—August 20, 1971.

Corn Products, Inc.—Mississippi (corn syrup)

Contract let: July 1, 1971.

Delivery Date: July 19–July 22, 1971.

Actual Delivery Date: August 23–August 26, 1971.

"Vendor states it was necessary for plant to halt USDA production for a few days to meet commercial contracts".

EXHIBIT F

SEMINOLE, OKLA., *August 21, 1970.*

DEAR VOTERS: Your commodity program is a service to you by your County Commissioner. Although they are furnished by the Federal Government, NO COMMISSIONER IS REQUIRED TO HANDLE THEM IF HE DOES NOT WANT TO DO SO, and in some counties the Commissioners will not distribute them.

TO BE SURE that you continue to receive your commodities as you have in the past, GO TO THE POLLS ON TUESDAY, AUGUST 25th, AND VOTE FOR J. NEWT HARBER FOR COUNTY COMMISSIONER OF DISTRICT No. 2.

Thank you.

(Signed) HAZEL LONGACRE.

EXHIBIT G

State requirements for recovery of amount of assistance rightfully paid by claim against the estate of a deceased recipient or by lien against real property or other type of legal security filed against real or personal property before death of recipient—OAA, AB, or APTD (or AABD).

As reported June 1, 1970, for 30 Jurisdictions which have such requirements.

Terms used in the following table:

Lien.—Recovery assured by lien against real property or other type of legal security filed against real, personal, or total estate.

Claim.—Recovery made by filing claim against estate of recipient after his death.

None.—No requirement in this program.

State	OAA	AB	APTD
Alaska	Lien	Lien	Lien.
Colorado	None	Claim	None.
Connecticut	Lien	Lien	Lien.
District of Columbia	do	None	Do.
Florida	Claim	Claim	Claim.
Hawaii	do	do	Do.
Idaho	do	None	None.
Illinois	Lien	Lien	Lien.
Indiana	do	Claim	Claim.
Iowa	do	None	None.
Kansas	Claim	Claim	Claim.
Maine	do	do	Do.
Maryland	do	do	Do.
Minnesota	Lien	do	Do.
Montana	Claim	do	Do.
Nebraska	Lien	Lien	Lien.
New Hampshire	do	None	Do.
New Jersey	do	do	Do.
New York	do	Lien	Do.
North Carolina	do	None	Do.
North Dakota	Claim	Claim	Claim.
Ohio	do	None	None.
Oregon	do	do	Claim.
Pennsylvania	Lien	Claim	Lien.
South Carolina	Claim	None	None.
South Dakota	Lien	do	Do.
Utah	do	Lien	Lien.
Vermont	do	do	Do.
Wisconsin	do	Claim	None.
Wyoming	do	None	Claim.

Note: Total OAA liens, 20; claims, 9; none, 1. Total AB liens, 7; claims, 12; none, 11. Total APTD liens, 12; claims, 11; none, 7.

Source: "Characteristics of State Public Assistance Plans Under the Social Security Act: General Provisions—Eligibility, Assistance, Administration", 1970 edition.

EXHIBIT H.—COMMODITY DISTRIBUTION PROGRAM

STATE MONETARY STANDARDS OF ELIGIBILITY FOR CERTIFYING HOUSEHOLDS

State	Monthly allowable income by household size 1	2	3	4	5	6	7	8	9	10	Additional for each person	Allowable liquid assets
Alabama	$135	$220	$285	$330	$370	$410	$445	$480	$515	$550	$35	$1,000 or 4 times income scale whichever is greater.
Alaska [1]												
Arizona	118	164	212	256	293	327	362				$28	$800 for 1; $1,200 for 2 or more
Arkansas	145	200	220	240	270	300	320	360	380	380	$380 maximum.	$500 for 1; $1,000 for 2 or more.
California	185	240	300	340	405	460	525	565	630	670	$45	$1,000 for 1; $1,500 for 2 or more.
Colorado [1]												
Connecticut [1]												
Delaware	100	140	180	215	250	285	310	330	350	370	$20	$420 for 1; $560 for 2; $700 for 3. Add $70 for each additional person.
District of Columbia [1]												
Florida	115	160	220	250	280	305	330	360	395	320	$30	$600 for 1; $1,200 for 2 or more.
Georgia	100	160	215	265	285	220	345	365	385	400	11–$420; 12–$440; 13–$465 or over.	$800 for 1; $1,600 for 2 or more.
Guam	125	155	210	250	270	289	322	340	359	378	$397 for 11; $30 for each additional.	$750 for 1; $1,000 for 2 or more.
Hawaii [1]												
Idaho	166	206	241	262	305	342	380	406	441	476	$35	$1,000 for 1; $1,500 for 2 or more.
Illinois [1]												
Indiana	140	200	250	300	345	385	430	475	510	545	$30	$650 for 1; $870 for 2; $980 for 3; $1,100 for 4 or more.
Iowa [1]											$35	$500 for 1; $1,000 for 2 or more.
Kansas [2]												
Kentucky	115	160	200	230	260	285	310	335	360	380	$20	Do.
Louisiana	135	175	195	215	240	265	290	315	340	370	$25	Do.
Maine	152	210	250	291	340	383	424	465	505	547	$41	$1,000 for 1; $1,200 for 2 or more.
Maryland	128	183	246	302	349	383	432	473	514	553	$40	$1,000 for 1; $2,000 for 2; $500 additional for each person over 65.

Massachusetts	175	225	275	325	385	435	485	535	585	635	$50	$1,000 for 1; $1,500 for 2 or more. Add $500 for each person over 65.
Michigan	210	250	290	330	370	410	450	490	530	570	$40	$1,000 for 1; $1,500 for 2 or more.
Minnesota	180	245	305	350	400	435	[illegible]	500	535	570	$30	$1,000 for 1; $1,500 for 2 or more. $500 additional for each person over 65.
Mississippi	125	165	190	215	245	265	285	305	325	345	$15	$500 for 1; $1,000 for 2 or more.
Missouri	165	220	265	315	360	400	440	480	520	560	$45	$1,000 for 1; $2,000 for 2 or more.
Montana	125	190	225	255	290	320	355	390	415	440	$30	$1,000 for 1; $1,500 for 2 or more.
Nebraska	150	225	270	300	350	380	420	450	480	510	$25	$750 for 1; $1,500 for 2 or more.
Nevada	155	205	250	300	355	385	415	465	490	525	$35	$1,000 for 1; $1,500 for 2 or more.
New Hampshire	170	230	260	300	340	380	405	445	470	495	$25	$1,000 for 1; $1,500 for married couple if not separated.
New Jersey [1]												
New Mexico	116	166	182	215	245	275	305	345	375	405	$30	$250 for 1; $500 for 2 or more.
New York [1]												
North Carolina	115	155	180	200	220	235	255	270	285	300	$15	$1,000 for 1; $1,500 for 2 or more.
North Dakota	150	200	260	295	330	370	410	445	475	505	$30	$1,000 per household; $1,500 2 or more. Add $500 each person 65 or over.
Ohio	135	200	235	270	310	355	395	435	470	535	$50	$1,000 fo 1; $1,500 for 2 or more.
Oklahoma	105	190	220	250	295	310	330	345	370	370		$350 for 1; $500 for man and wife; $50 each additional; $600 maximum.
Oregon	160	219	258	297	336	375	414	453	492	531	$39	$1,000 for 1; $1,500 for 2 or more.
Pennsylvania	150	220	265	315	360	390	435	480	525	570	$45	$1,000 for 1; $1,500 for 2 or more.
Puerto Rico [2]												P/A standards.
Rhode Island [1]												
South Carolina [1]												
South Dakota	175	225	265	300	335	370	405	440	475	505	$50	$1,000 for 1; $2,000 for 2; $500 for each additional.
Tennessee	95	130	165	200	240	275	315	350	385	420	$35	$500 for 1; $1,000 for 2 and 3; $1,250 for 4 or more.
Texas	125	170	190	210	230	250	270	290	310	330	$15	$1,800 for 1; $3,000 for 2 or more.
Utah [1]												
Vermont [1]												
Virginia	140	180	220	260	295	330	360	390	420	450	$30	$800 for 1; $1,500 for 2 or more.
Virgin Islands [2]												P/A standards.
Washington [1]												
West Virginia [1]												
Wisconsin	210	255	285	310	355	395	430	490	530	560	$40	$1,000 for 1; $2,000 for 2; $100 each additional.
Wyoming [4]	145	210	255	335	370	410	440	495	545	595	$50	$1,000 for 1; $1,500 for 2 or more.

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[1] No program.

[2] Eligibility computed on public assistance budget.

[3] Only P/A and Public Health outpatients eligible.

[4] Indian reservation only.

EXHIBIT J

TABLE 4.—NUTRITIVE VALUE, AS PERCENT OF RECOMMENDED DIETARY ALLOWANCES,[1] SUPPLIED BY FOODS IN REPRESENTATIVE PACKAGE ACTUALLY DISTRIBUTED IN COMMODITY DISTRIBUTION PROGRAM, JUNE 1, 1970

[Subject to change without notice]

Representative package	Food energy	Protein	Calcium	Iron	Vitamin A value	Ascorbic acid	Thaimin	Riboflavin
Applesauce, canned	0.5	0.1	0.1	0.6	0.1	0.3	0.2	0.1
Beans, dry	3.0	2.6	3.1	13.5	0	0	11.3	3.3
Bulgur	.2	.2	0	.3	0	0	.2	.1
Butter	4.0	.2	.3	0	9.8	0	0	0
Cheese, Cheddar, process	2.6	7.6	12.3	1.3	4.5	0	.2	4.8
Corn, whole-kernel, canned [2] [3]	.4	.5	.1	.4	.8	1.4	.3	.5
Corn grits [2] [4]	.8	.9	0	1.9	.5	0	1.9	.9
Cornmeal, degermed [2] [4] [5]	4.6	4.6	.2	11.5	2.9	0	11.0	5.6
Egg mix, scrambled, dehydrated	1.6	4.7	3.6	2.7	3.4	.3	1.6	5.6
Lentils, dry	.7	2.5	.4	3.0	.1	0	1.6	.8
Macaroni, milk [6]	2.1	3.3	.8	3.2	.1	0	9.9	3.5
Meat, chopped, canned	2.9	6.8	.2	4.3	0	0	6.0	3.4
Milk, evaporated [7]	1.2	2.8	5.4	.2	1.5	.5	.7	4.8
Milk, nonfat dry, regular [8]	4.6	21.0	41.1	1.5	14.6	4.3	8.7	37.8
Oats, rolled	2.2	3.7	.7	5.0	0	0	6.7	1.3
Orange juice, sw., canned [5] [9]	.9	.6	.4	1.4	1.9	34.2	2.5	.6
Peanut butter	2.3	4.7	.6	1.6	0	0	1.0	.8
Peas, split, dry	.8	2.5	.2	2.2	.1	0	3.2	1.1
Potatoes, dehydrated granules [10]	2.0	2.2	.6	2.7	10.5	48.2	1.8	1.1
Poultry, boned, canned [11]	1.9	9.8	.2	2.5	.7	0	.4	2.3
Prunes, dried	.2	.1	.1	.6	.7	.1	.1	.2
Raisins	1.1	.4	.6	2.6	0	.2	.8	.5
Rice, regular [12]	3.6	3.1	.6	9.1	0	0	8.7	.5
Shortening [5] [13]	5.0	0	0	0	0	0	0	0
Sirup, corn	1.8	0	.7	5.1	0	0	0	0
Wheat flour, all-purpose [14]	9.1	12.3	1.0	14.3	0	0	21.9	11.1
Total	59.9	103.7	73.4	91.4	[15] 52.3	89.5	100.7	90.8

[1] 1 person in family of 4: Man and woman, 22 to 35 years; boy, 11 years; and girl, 8 years. National Academy of Sciences, National Research Council, Pub. 1694, 1968. Based on foods distributed to families, 1969, except applesauce, lentils, and macaroni which are estimated.

[2] Vitamin A values based on yellow varieties; white varieties contain only a trace of vitamin A value.

[3] May be replaced by cream-style corn, green beans, green peas, or tomatoes.

[4] Enriched: 21 mg. iron, 2 mg. thiamin, 1.2 mg. riboflavin, and 16 mg. niacin per pound. The same nutritive values apply for corn flour, offered in the same amount.

[5] Alternate package size may change amount per person per month somewhat.

[6] Enriched: 13 mg. iron, 4 mg. thiamin, 1.7 mg. riboflavin, and 27 mg. niacin per pound. May be replaced by wheat-soy macaroni.

[7] Fortified: 360 I.U. vitamin D per pound.

[8] Fortified: 9,980 I.U. vitamin A and 1,996 I.U. vitamin D per pound. May be replaced by instant nonfat dry milk.

[9] May be replaced by apple juice, unsweetened orange juice, or tomato juice.

[10] Fortified: 16,000 I.U. vitamin A and 798 mg. ascorbic acid per pound. May be replaced by dehydrated potato flakes.

[11] May be replaced by beef or pork with natural juices.

[12] Enriched: 21 mg. iron, 2 mg. thiamin, and 16 mg. niacin per pound.

[13] May be replaced by lard.

[14] Enriched: 13 mg. iron, 2 mg. thiamin, 1.2 mg. riboflavin, and 16 mg. niacin per pound.

[15] The recommended dietary allowance for vitamin A, adjusted to account for the relatively high percentage of preformed vitamin A in the representative package of foods actually distributed (75 percent of total vitamin A value), is 2,700 I.U. On this basis, this package provides 87.1 percent of the allowance.

EXHIBIT K—FNS (FD) INSTRUCTIONS 709-6

STATE DISTRIBUTING AGENCIES

Information for: Regional Offices.

HANDLING AND STORAGE OF PROCESS CHEESE

I. Purpose

This Instruction provides guidelines for the handling and storage of process cheese to encourage wider acceptance and use of this product from available supplies.

II. General

Process cheese, through modern food technology, can withstand a reasonable range of temperatures in storage with relatively moderate humidity conditions. Understanding safe storage limits of process cheese helps prolong shelf life. At 70° F. process cheese begins to oil off and at 90° F. it will melt. The product should never be frozen. At 40° F. the approximate storage life is 12 months. At 70° F. the approximate storage life is three months. Favorable storage temperatures are between 45° F. and 50° F.

A gradual increase of the temperature above 70° F. causes the first stage of lowering the quality. As the temperature goes up, product life will have a tendency to reduce in proportion to the extended period of storage. Although holding process cheese above 70° F. is not recommended, some lowering of product quality such as darkening of color would not necessarily mean that the product was unsafe or unusable. During handling, storage and delivery, the temperatures should not be allowed to rise above 75° F.

III. Recommended holding temperatures

The optimum storage process cheese temperature is 35° to 45° F. which will provide a storage life of about 10 to 12 months. In some instances facilities are not available for optimum temperatures. The following table shows the effects of temperatures on storage life of process cheese:

Storage conditions	Storage temperatures	Storage life
Optimum	35° to 45° F	10 to 12 months.
Favorable	45° to 55° F	6 to 10 months.
Acceptable	55° to 65° F	3 to 6 months.
Fair	65° to 70° F	3 months or less.
Critical	70° to 75° F	Temporary (emergency only).
Dangerous	75° to 90° F	Not recommended.
	Under 32° F	Do.

IV. Recommended Practices

A. Use room air conditioners when available.
B. Use lower level rooms if available and cooler.
C. Keep product away from direct sunlight.
D. Order and keep quantities as near to needs as possible.
E. Move out oldest product first.
F. Establish a policy of periodic inspection of the product (120 to 150 days are recommended).

V. Responsibilities of distributing and recipient agencies

These are recommended practices only. If followed, they will help maintain and prolong the storage life of process cheese. They do not take the place of reasonable judgment which must be exercised by the persons responsible for handling and storage of donated foods.

ADMINISTRATOR.

EXHIBIT L—U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE

Washington, D.C., August 20, 1971.

Subject: Cost per pound figures for foods used in the food distribution program, fiscal year 1971.
To: Guy Carmack, Director FNS reporting staff.

The June 30, 1971, average costs to the Government, on a delivered cost per pound basis, are listed below for the foods that were distributed in our program last fiscal year.

Section 416

Commodity:	Cost
Bulgur	0.0789
Butter, print	.7461
Butter, canned	.7648
Butter, bulk	.7640
Cheese	.6087
Cornmeal	.0477
Farina	.1419
Flour, all-purpose	.0600
Flour, whole wheat	.0604
Flour, bread	.0602

Commodity:	Cost
Grits	0.0594
Macaroni	.1380
Milk, instant	.4407
Milk, regular NFD	.3127
Oats, rolled	.0635
Rice	.1079
Rice cereal, instant	.3617
Salad oil	.2041
Shortening	.2063
Wheat, rolled	.0641

Section 709

Commodity:	Cost
Cheese	0.6173

Section 6

Commodity:	Cost
Apricots	0.1468
Beans, green	.1095
Beef, frozen, ground	.5635
Chicken, frozen	.3065
Corn, canned	.1196
Tomatoes	.1251

Commodity:	Cost
Peaches, canned	0.1321
Peas, canned	.1100
Pinapple	.1502
Sweet potatoes, dehydrated	.3574
Sweet potatoes, syrup	.1117

Section 32

Commodity:	Cost
Apples, fresh	0.0954
Apple juice	.0948
Applesauce (No. 10)	.1389
Applesauce (No. 303)	.1080
Beans, dry (2 pound)	.1166
Beans, dry (50 pound)	.1946
Grapefruit section canned	.1941
Honey	.2100
Meat, canned chopped	.3686
Milk, evaporated	.1603
Onions	.0300
Orange juice, frozen (5 gal.)	.1986
Orange juice, frozen (32 oz.)	.2144
Orange juice, canned	.1019
Sweet potatoes	.1318
Syrup	.1327
Tomatoes, canned	.1663

Commodity:	Cost
Beans, Green, canned	0.1309
Chicken, canned boned	.6946
Corn, canned	.1299
Cranberries	.1900
Egg mix	.8743
Formula, infant dry	.7500
Peas, canned	.1240
Peas, dry split (1 pound)	.0853
Peas, dry split (10 pound)	.0847
Peanut butter (No. 10)	.3154
Peanut butter (2 pound)	.3235
Pork, canned W/NJ	.6668
Pork, frozen, ground	.5445
Potatoes, dehydrated	.1912
Prunes, canned dried	.1559
Prunes, canned	.2112
Tomato juice	.0946
Turkey, canned boned	.6497
Turkey, fresh frozen	.3454

JUAN DEL CASTILLO,
Director, Food Distribution Division.

EXHIBIT M—U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE

San Francisco, Calif., July 9, 1971.

To: All distributing agencies.
Subject: Second quarter estimates for fiscal year 1971.

Please furnish by July 23 your estimated requirements for the October–December quarter. Estimates should be based on the following carloadings.

Commodities and type pack	Carloadings net pounds	Categories of recipients
Butter:		
18/2# cans[1]	36,000	Families.
32/1# prints	38,000	All.
Bulk[2]	30,000–60,000	
Cheese:		
15/2# loaves	33,600	Families.
6/5# loaves	33,600	All.
Canned juices: 12/#3 cases	69,005–69,745	Families and supplemental food program.
Milk, nonfat dry:		
12/4 1/2# packages	80,028	All.
Bulk—50# and 100# bags	80,000	
Milk, inst. fort.: 6/4# packages	40,080	Families and supplemental food program.
Milk, evaporated: 48/14½ oz. cases	69,600	Do.
Peanut butter: 24/2# cans	69,840	Families.
Pork, cnd. N/J: 24/29 oz. cases	69,600	Families and supplemental food program.
Potatoes, dehy.: 1# packages	60,000	Families.
Egg mix: 48/6 oz. cases	36,000	Do.
Rice:[3]		
24/2# packages	80,064	All.
50# bags	80,000	
Syrup, corn: 24/16 oz. cases	60,792	Families and supplemental food programs.
Canned vegetables: 24/#303 cases	67,200	Do.

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[1] For use only in areas where print butter cannot be used because freezer storage is not available.

[2] Because of the continuing large inventories of bulk butter, quantities intended for use in bread-baking or printing into patties should be supplied from bulk stocks insofar as practicable.

[3] Even though we are requesting estimates on rice, the food requisitions should be submitted by the 10th of the 2d month preceding the month of shipment as in the past.

We are not requesting estimates for dry beans, bulgur, corn grits, corn flour, cornmeal, flour, lentils, macaroni, chopped meat, rolled oats, dry split peas, salad oil, vegetable shortening, or rolled wheat since all of these foods are being procured on the basis of orders submitted. However, Food Requisitions (Form FNS–52) should only cover one month and are to show the quantities planned for use by eligible recipients. This information is needed here for reporting purposes.

When a range in carloading is permitted, the heaviest carloading should be used to the maximum extent possible. For cereal products the usual carlot weights range from about 50,000 to 80,000 pounds. Upper limits, however, are about 100,000 pounds. If, in your judgment, your agency can conveniently handle 100,000 pound carlots of a cereal product, this size carloading should be used.

The rates of distribution, on a per-person-per-month basis, used to compute estimated needs shall be those established by the distributing agencies for all the applicable categories of recipients. If distributing agencies request more than one carlot per month, the remaining carlots ordered must be balanced out between the first and second halves of the month. If the distributing agencies fail to do this, then appropriate adjustments will be made by this office.

Those states which have cities or counties changing to the Food Stamp Program should give careful consideration to inventories needed to make whatever adjustments are necessary.

Please furnish the estimates by forwarding a copy of the "Quarterly Estimate of Needs for Donated Foods" (Form FNS–42). The small table in Form FNS–42 headed, "Requested Shipments (Number of Carlots)," is to be used to show the total number of cars desired in each category. These figures should conform to the nearest carload when the figures in column (1) are converted to the applicable carloadings. This table also indicates the period during each month covered by the estimates, by category, in which shipments are desired. This detailed information is needed here for our compilation of estimates, preparation of budget, and reports on the quantities required for the different categories of recipients.

In order to expedite shipments of estimated commodities we are requesting that the food requisitions accompanying the respective estimate sheets for the periods in which commodities are requested. Any changes such as cancellations of orders or requests for increases in estimates for the quarter will be handled by communication between your agency and this office.

Your cooperation in submitting the Estimate Work Sheets and Food Requisitions to reach this office before July 23 will be greatly appreciated.

BERNICE D. CANATA,
Supervisor, Food Distribution Program, Western Region.

FROM RITA M. PEPPARD

DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF SERVICES TO OLDER CITIZENS

ALLSTON-BRIGHTON FOOD SURPLUS TASK FORCE, PETITIONERS

REQUEST FOR A PUBLIC HEARING ON PROBLEMS AND DEFECTS IN THE SURPLUS COMMODITY DISTRIBUTION PROGRAM

I. Nature of proceedings

1. Petitioners request that a public hearing be held whereby testimony of the citizens of the Allston-Brighton area may be heard and considered on the present and potential failings of the Surplus Commodity Distribution Program.

2. Petitioners request that a special invitation to appear be tendered to Stephen A. Minter, Commissioner of the Massachusetts Department of Public Welfare, so that *he will personally appear* to hear the testimony presented and affirmatively and conclusively respond to the problems raised.

3. Petitioners request this public hearing through the authority of the Department of Community Affairs and its delegate agency, the Office of Service to Older Americans.

4. While a substantial majority of Petitioners' organization consists of senior citizens, Petitioners speak for over two-thousand surplus food recipients in the Allston-Brighton area who have been made eligible to receive surplus commodities through either Action for Boston Community Development or the Massachusetts Department of Public Welfare.

II. Problems to be considered

1. Petitioners have been informed and do fear that, after December 31, 1971, no food distribution center will exist in the Allston-Brighton area. Rather, area recipients will be forced to travel to 1280 Tremont Street, Roxbury, Massachusetts, a location financially and physically inaccessable to most of them.

2. Petitioners are aggrieved by inadequate and unsatisfactory administration by the Department of Public Welfare and its subcontractor, ABCD, of the Surplus Commodity Distribution Program which deprives the Petitioners of their legal rights and opportunities under the Program.

3. The present facilities for distribution of food surplus commodities at 9 Fidelis Way, Brighton are unsanitary, subject to flooding by the sanitary sewer system, and are inadequate in size and incapable of serving the Allston-Brighton area.

4. Petitioners have been deprived of their proper allotment of surplus commodities due to the inadequacy of distribution in the Fidelis Way Surplus Food distribution center.

5. Petitioners have been deprived of Food Stamp allotments under the current Program.

III. Relief sought

1. That the presiding officer at the hearing prepare a report of findings and conclusions based upon the evidence brought forth.

2. That the Department of Public Welfare make an administrative order or otherwise confirm that the food surplus program be conducted in a suitable location in the Allston-Brighton area through and beyond the calendar year, 1972.

3. That ABCD food recipients be allowed to continue receiving Surplus Commodities.

4. That the Department of Public Welfare clarify the status and availability of food stamps.

5. That Stephen A. Minter, Commissioner of the Massachusetts Department of Public Welfare, respond affirmatively and conclusively to the Petitioners' requests for relief numbered 2 through 5 herein within 30 days of the date of the hearing.

Respectfully submitted.

RITA M. PEPPARD,
Task Force Chairman.
GENE R. SHREVE, Esq.,
Attorney for the Allston-Brighton Food Surplus Task Force.

AFFIDAVIT

I, Stella St. Pierre, state the following to be true to the best of my knowledge, information and belief:

1. I live at 17 Ledgemere Road, Brighton, Massachusetts and I am a senior citizen.

2. I have on several occasions attempted to go over to the food surplus distribution center in Roxbury to pick up my surplus foods.

3. In good weather I have gone over to the Roxbury Center by taking three different buses and walking several blocks to get there. Sometimes I have tried taking food back on the bus, but it is hard for me to walk with it and to climb on and off buses with it that I can only carry a little bit and it really isn't worth it. My health is not good and I suffer from heart trouble and high blood pressure, among other things.

4. Sometimes I take a cab back but that isn't worth it either because it is very expensive to use a cab (about $4.00 one way) and it is very hard to get one.

5. I and most of my neighbors depend on the food surplus deliveries made by local volunteers. Without these deliveries we would probably be forced to do without surplus food which would be a great hardship on us.

MRS. STELLA ST. PIERRE.
GENE R. SHREVE.

Signed before me at this the 17th day of August, 1971. My commission expires July 22, 1978.

AFFIDAVIT

I, Miriam C. Davis, do state the following to be true to the best of my knowledge, information and belief:

1. I live at 20 Ledgmere Road, Brighton, Massachusetts and I am a senior citizen.

2. Several times I have gone over to the Roxbury food center to try to pick up surplus foods. It has always been very hard for me to bring any back from there because the food is heavy and I cannot carry it back on the bus. Carrying it back in a cab costs too much. In all, it just isn't really worth going over to Roxbury to pick up food the way things are.

3. Several times volunteers have brought the food to my home. This is about the only way I am able to get the food to which I am entitled.

MIRIAM DAVIS.
GENE R. SHREVE.

Signed before me this the 17th day of August, 1971. My commission expires July 22, 1978.

AFFIDAVIT

I, Rose Hardiman, state the following to be true to the best of my knowledge, information and belief:

1. I live at 42 Brackett Street, Brighton, Massachusetts and I am a senior citizen.

2. When I was living at 44 Montfern Avenue, I tried on several occasions to go over to the food surplus center. I often had to use the car line and it was very

hard on me to try to get the food that way. I could only carry a little because of my heart condition and it was very hard to climb up on the bus, often without a place to sit down, and to walk home with the little food I did try to carry.

3. About two years ago I was attacked and robbed in the Dudley Street bus station in Roxbury. My billfold with the money from my welfare check which I had just cashed (about $65) was taken away from me. It made me very upset and frightened. I have not been back to the food center in Roxbury since and I will never go back to Roxbury again.

ROSE E. HARDIMAN.
GENE R. SHREVE.

Signed before me this the 18th day of August, 1971. My Commission expires July 22, 1978.

AFFIDAVIT

I, Kathleen Pidgeon, state the following to be true to the best of my knowledge, information and belief:

1. I live at 1263 Commonwealth Avenue, Allston, Massachusetts and I am a senior citizen.

2. On June 3, 1971, I received a food surplus identification card from the Welfare Department along with instructions to go to 1280 Tremont Street, Roxbury, Massachusetts, to pick up the food.

3. I took a Dudley Street bus to Roxbury. Because I was unfamiliar with the Roxbury area, I stayed on the Dudley bus too long and when I got off I had to walk a distance of several blocks in the direction of the food center.

4. While I was walking, I was attacked by two men and thrown into the gutter. They pulled my bag out of my hands and ran away, leaving me lying there. No one would help me and it was some time before I could get on my feet. I finally got to a police station and the policeman took me to Peter Bent Brigham Hospital. I suffered from shock and scraped and bleeding knees.

5. I never did find the food distribution center and I never will go back there again because of what happened to me.

KATHLEEN E. PIDGEON,
GENE R. SHREVE.

Signed before me this the 17th day of August, 1971. My Commission expires July 22, 1978.

THE COMMONWEALTH OF MASSACHUSETTS,
DEPARTMENT OF COMMUNITY AFFAIRS,
Boston, Mass., August 3, 1971.

MEMORANDUM

To: All persons interested in delivery of food commodities to elderly persons.
From: Donald Strong, Coordinator, Office of Services to Older Americans.
Subject: Public Hearing, Thursday, August 19, 1971.

This office is in receipt of a petition from a coalition of Senior Citizens called "Allston-Brighton Food Surplus Task Force" requesting a public hearing on "problems and defects in the surplus commodity distribution program". The Task Force states that the existing food commodity distribution office is scheduled to close and they are concerned about providing for the needs of their elderly people.

As required by the Department of Health, Education & Welfare Manual for Statewide Planning and Coordination and with the approval of the Department of Community Affairs Commissioner Leon Charkoudian, we will hold a public hearing on this matter at the Brighton Municipal Building, 20 Chestnut Hill Avenue at 1:00 P.M. on Thursday, August 19, 1971.

Members of the Task Force will make a presentation regarding the problem faced by Senior Citizens of the area. Commissioner Stephen Minter of the Department of Public Welfare will be asked to attend. Others to be invited include Robert Coard, Director of Action for Boston Community Development and Joseph Kerrissey Commissioner on Aging for the City of Boston.

Any persons wishing to speak will be heard and a report will be prepared following the hearing with recommendations for all agencies concerned.

ALLSTON-BRIGHTON INFORMATION AND REFERRAL CENTER,
Brighton, Mass., September 9, 1971.

BRIGHTON MEALS ON WHEELS PROGRAM

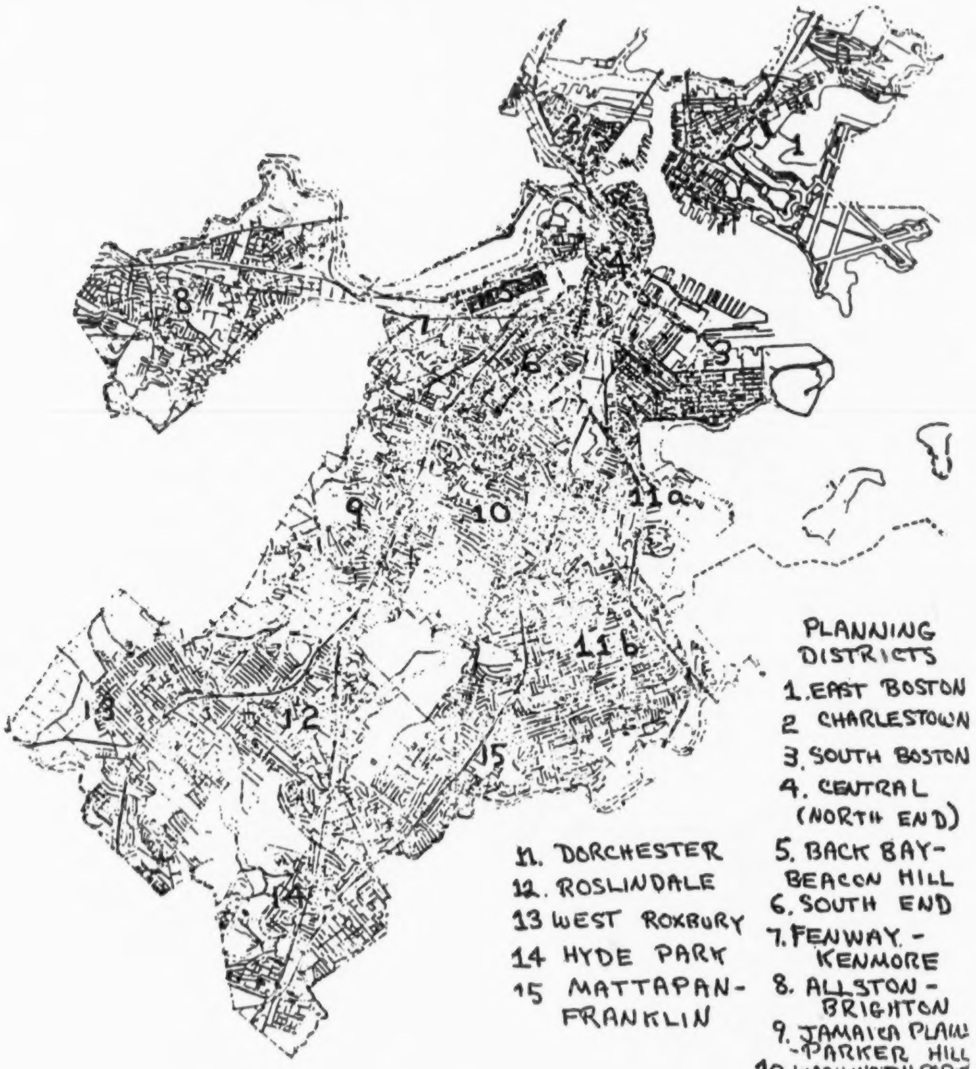
On February 7, 1970, Miss Elizabeth Schmitt, a nutritionist at St. Elizabeth's Hospital met with a number of senior citizens in Fidelis Way concerning the possibility of a meals on wheels program. They were very interested in it and felt there was a large need for such a program in the area. Seven months later the meals on wheels program in Brighton started, initially with only 5 people.

After talking to Miss Schmitt and Miss Nancy Harvey, nutritionist at Beth Israel Hospital, we felt that the program could start the end of April. There were many planning meetings and many postponements of the starting date. We knew from the beginning that the program would only start with 10 recipients, so our initial publicity was minimal; yet during our long waiting period, 41 elderly persons expressed an interest in the program. Of those 41, 6 are now in nursing homes, 1 is hospitalized, 3 have homemakers and 5 have died. Several of the other persons live in Allston, a little too far away for the one driver. The rest of the persons dropped out from lack of interest. Many of those did not believe the program would ever start and they were disappointed in the delays. Others dropped out after the program started because they felt the quality of the food was not good and there was not enough food for them.

One of the major problems has been money. Beth Israel Hospital is charging the Allston-Brighton APAC 75¢ per meal (raw food cost, labor, styrafoam containers.) We charge the recipient 55¢ a meal. We received $150 from the Mass. Dietetic Association and the Food Education and Nutrition Committee to pay for the extra costs. The APAC is temporarily paying the driver. We hope to get a local gas company to donate gas.

We should expand as soon as possible; as we are finding an increasing need for this service, especially on an emergency basis. Persons come back from a hospital, often with no follow up care. A good meals on wheels program can save their immediate nutritional and social needs. The need for increased national funding for such programs is great.

FROM GERTRUDE WEINER



FROM BINA TROY

NO FOOD DECISION

The Monroe County Court, in session Monday, took no final action on whether or not to restore the free food program in Monroe County. It will not take such final action. Presiding Judge Maupin said, until additional information is sent from the state welfare department. The Monroe County Court has told State Welfare Director Proctor Carter it will re-install the program if it is allowed to say who shall get the food in case it learns someone not deserving it is doing so. Carter has not replied to the letter of the court.

FREE FOOD PROGRAM MAY BE RESUMED NOVEMBER 1

In session Monday, Judges Maupin, Callis and Fields took voluntary action on the proposed new free food program plan, and agreed to again go into the program, under certain conditions.

They notified State Welfare Director Proctor Carter that the county would re-enter the free food program on November 1, the earliest date possible under the new plan, providing the counties of Northeast Missouri will all run the program in the same manner and further providing that the County Court will have the authority to eliminate some recipients if facts show they do not need the food.

A meeting of the County Court Judges Association of Northeast Missouri is being held at Huntsville Thursday and the matter will be further discussed.

Under the new plan proposed by the state, as explained in the Appeal last week, the state and federal governments will pay 80% of the local costs, the county the remaining 20%. County Clerk Menefee and the County Court estimate the cost will be around $200 monthly, instead of the former cost of around $500 monthly.

Under the old plan, many counties were getting all the expenses paid, while Monroe County and some others were being forced to pay half. This was obviously unfair, and as a result, Monroe County withdrew from the program, and protested at Jefferson City and Washington.

Because of those protests, the policy was changed by the federal government to allow each county the same percentage of aid.

In its letter to Carter, the Court agreed to furnish an office for the food program supervisor and a place for distribution of the food, providing its other terms were agreed upon.

Some of the counties, like Audrain, that have been getting all the food program expenses paid by state and federal governments, are threatening to withdraw from the program because they are now being asked to pay 20% instead of getting it all for nothing.

FROM GRACE OLIVAREZ

A STUDY OF THE FEDERAL FOOD PROGRAMS IN PUERTO RICO

BACKGROUND

Puerto Rico is an island of tragic and widespread poverty. Some of the unconscionable facts and statistics about this United States "Commonwealth" island are:

> Approximately 30 percent of the island's 2.7 million inhabitants live in inadequate housing (according to the Puerto Rico Housing and Urban Renewal Corporation).
>
> Out of the 77 municipalities on the island, 37 have a per capita annual income below $550; only 12 municipalities have a per capita annual income above $1,000.
>
> Outside of the San Juan Metropolitan Area, the unemployment rate is 23.3%. In the past 18 years, the rate of unemployment in all of Puerto Rico has never been below 10.0% (according to the Bureau of Labor statistics).
>
> According to medical testimony before the Senate Select Committee on Nutrition and Human Needs, approximately two-thirds of all children treated by pediatricians in the East Health Region of Puerto Rico are malnourished. Many of these children suffer such severe nutritional problems that they either die or are chronically ill, and most are irreparably retarded in physical and mental development.
>
> The monthly welfare grant level in Puerto Rico is $53 for a family of four. This compares unfavorably to the $70 and $81 grant levels for Mississippi and Alabama—the two lowest paying welfare states. (This is true despite the fact that the cost of living in Puerto Rico is higher than the cost of living in the United States. Since Puerto Rico imports most of its foodstuffs and other necessities, the prices of almost all items on the island are higher than the prices in the United States.)

Of the 24 items that are supposed to be dispensed in any Federally operated commodities program, Puerto Rico receives only 8 to 12. Among these, most are starchy, low nutritive foods (flour, cornmeal, potato flakes, macaroni, etc.). At the distribution centers, waiting periods are as long as 2–3 hours, toilet facilities are broken down, storage facilities are inadequate, and no refrigeration units whatsoever are in existence at any of the 82 distribution sites. (Considering the heat in Puerto Rico, much of the food spoils or contains maggots.)

In 1970 over 44,000 persons emigrated from Puerto Rico to find "greater economic opportunities" in the United States. The emigration figures have substantially and steadily increased over the past five years.

In short, Puerto Rico is an island of devastating poverty, where children's lives are constantly being crippled by hunger, malnutrition and ill health.

PROJECT

A $5,000 grant is necessary to cover the expenses of preparing an in-depth study of the Federal Food Programs in Puerto Rico. In essence, we are proposing a complete examination of the present Commodity Distribution Program, with comparative statistics on how many public assisted people are eligible to participate and how many people on public assistance are actually participating; how many non-publicly assisted are eligible and how many non-publicly assisted are actually participating. Also included would be a discussion of the main deterrents to publicly assisted and non-publicly assisted people's participation and a percentage breakdown of those who are participating who are aged, dependent children, disabled and blind, in institutions, etc.

Puerto Rico was included in the amended Food Stamp Act of January 1971. Albeit Puerto Rico was not scheduled to participate for fiscal year 1972, there is a possibility that funds will be allotted for the following fiscal year. As such, the second part of the proposed study will explore the need for a Food Stamp Program, the feasibility of its implementation, and its effects on the Puerto Rican economy.

METHOD

The study will require between 4 to 6 months' work, all of which time the researcher will be working under the auspices of the Consumer Research Center of the University of Puerto Rico. His affiliation with the Consumer Research Center will be most helpful with particular regard to the study of the Food Stamp question as Professor Herrerro of the CRC already has done some preliminary work in this area.

As there are 84 food commodities distribution centers and 4 warehouses in Puerto Rico, it is expected that the researcher will do extensive traveling throughout the island in order to get first hand information on the current effectiveness of the commodity program. It also will be necessary to initiate correspondence with the USDA regional office in Atlanta, Georgia and USDA officials in Washington, D.C., in addition to meeting with administration officials in Puerto Rico.

ANTICIPATED RESULTS

The study will provide a concise and documented fact sheet on the food programs in Puerto Rico. It will analyze the need for expanded and upgraded food programs and propose suggestions for better implementation of the already existing programs. In addition, the report will be functional as a tool to further publicize the poverty conditions in Puerto Rico.

FOOD DISTRIBUTION
CHALLENGES FOR THE SEVENTIES

USDA
FNS

NATIONAL
WORKSHOP

WASHINGTON, D.C. • SEPTEMBER 28, 1970

U.S. DEPARTMENT OF AGRICULTURE • FOOD AND NUTRITION SERVICE

FOOD DISTRIBUTION CHALLENGES FOR THE SEVENTIES

COMMODITY DISTRIBUTION NATIONAL WORKSHOP
Washington, D.C.
September 28 - October 1, 1970

UNITED STATES DEPARTMENT OF AGRICULTURE
Food and Nutrition Service

FOREWORD

This is the final text of the recommendations from the 1970 Commodity Distribution National Workshop. Minor editorial corrections are the only changes from the text presented and endorsed by the Workshop participants. A sequence of numbers has been added in the margins next to the recommendations, and the numbers listed with "titles" in Appendix C. Progress reports and communications will use these numbers and titles to identify the recommendations.

Preceding the recommendations is a summary of General Session activity. Appendix A contains notes from speeches by Mr. Davis, Mr. Rorex, Mrs. Turner, Assistant Secretary Lyng, and Dr. Altschul; and Appendix B lists those who attended the Workshop.

Primarily a tool for people involved with the Workshop's recommendations, this report has been produced in a form that we hope is durable enough to be used for reference.

SUMMARY OF GENERAL SESSION ACTIVITY

The Workshop got underway Monday morning, September 28, with Marvin M. Sandstrom, Acting Director of the Commodity Distribution Division, and Workshop Chairman, presiding.

The Invocation was offered by the Reverend Thomas A. Jackson of the McLean (Virginia) Baptist Church.

Mr. Sandstrom greeted the State representatives, introduced people from FNS and related USDA agencies and special guests, and asked the Regional Directors to make group introductions of their staffs and representatives from the States in their Regions.

In his keynote speech Edward J. Hekman, Administrator, Food and Nutrition Service, congratulated the States on their efforts to get all counties into a food assistance program, for improving the quality of family distribution, for helping to reach 5.2 million needy children with free or reduced-price lunches last school year, and for working to improve the nutrition of vulnerable groups such as Indians, migrants, and the elderly. But he noted that there is still much to do in the family distribution program and in reaching more needy children.

Mr. Hekman told about FNS beginning the commodity distribution study, moving the Technical Services Branch up to an agency-wide service staff, and studying new foods and food techniques. He said that the Workshop Agenda suggested a busy week and that he looked forward to hearing the recommendations.

Howard P. Davis, Deputy Administrator, Food and Nutrition Service, reviewed the current situation and outlook for legislation and funds, and discussed several matters relating to national eligibility standards, feeding the elderly and family assistance planning, etc.

Herbert D. Rorex, Director, Child Nutrition Division, described some of the changes P.L. 91-248 has instituted in the child feeding programs; and George R. Grange, Acting Administrator, Consumer & Marketing Service, reported on the outlook and background for commodities. He said that there are ample supplies of those we are interested in, except perhaps cheese, but it seems we will be able to regularly procure instant nonfat dry milk.

Helen D. Turner, Deputy Assistant Administrator, Federal Extension Service, summarized the Extension Service's Expanded Food and Nutrition Education Program, the "Nutrition Aide Program." She encouraged Commodity Distribution and Extension Service coordination on the Federal, State, and local levels.

William M. Seabron, Assistant to the Secretary for Civil Rights, asked the Workshop representatives to guarantee civil rights to employees and program participants. He pointed out that, in our positions, we must treat everyone fairly, courteously, and with dignity.

Mr. Juan del Castillo appeared briefly and said he was looking forward to mid-November when he would take his position as Director of the Commodity Distribution Division in Washington.

The Monday General Session closed with Charles M. McGuire, Branch Chief, CD Operations, introducing representatives of the A. T. Kearney Company, Inc. With the assistance of Regional and Washington staff members, the Kearney Company will be studying the transportation and handling of commodities from vendor to recipient agency.

Richard E. Lyng, Assistant Secretary, addressed the Workshop on Wednesday morning, giving the outlook for Commodity Distribution from the Secretary's Office. He reminded the Workshop that our country was the first to be making the effort to eliminate hunger, and he thought commodity distribution would grow and continue to help needy families. He closed by calling upon the Workshop to manage change and make it beneficial.

Next, Mr. Sandstrom introduced probably the most widely-known of all volunteer "hunger fighters" in this country, Sophie Leavitt. She congratulated USDA and State personnel on their actions to end hunger.

Dr. Aaron M. Altschul, Special Assistant to the Secretary, spoke about the progress in food and nutrition knowledge; about engineered, textured, and ethnic foods; and about the possibility of eliminating malnutrition as a disease.

A review of visual aids closed the Wednesday session: one film showed the conversion of a distribution center to the supermarket style self-service system; another showed some of Hurricane Celia's damage and how FNS responded with commodities; and the last was a series of 10 TV spots produced by the Missouri Extension Service to promote participation in the Commodity Distribution Program and use of the foods.

Preceding the Workshop reporting session on Thursday morning, Harold Bryson and Ronnie Rhodes of the Southwest Region Information Service gave a demonstration of outreach techniques.

In presenting the Workshop recommendations, each Group Chairman made a copy of his Group's recommendations available to the full Workshop. The recommendations were read, discussed, and voted on. Those that follow were approved for presentation to the Food and Nutrition Service.

Mr. Hekman closed the Workshop praising the recommendations and promising the State representatives that they would be kept informed about progress on them.

THE WORKSHOP RECOMMENDATIONS

GROUP I

CHALLENGES IN THE FAMILY FEEDING PROGRAM

The family feeding program presents many challenges. The hard work, persistence, and cooperation of Federal, State, and local government agencies continues to be needed to meet the food needs of hungry people. Reaching all the potentially eligible is a continuing challenge. Some challenges are triggered by the as yet unknown course that may be followed by other Federal assistance programs for households. Fair hearings, nationwide eligibility standards, and simplified certification are new and intriguing challenges. Food donations must be accessible to households in need. Food donations should be well used within the homes. Operating Expense Funds are a boon, but still there are costs to be borne locally. Volunteer interest picks up momentum, and this available outreach must be coordinated with local government services. Packaging and labeling can be changed to stimulate use, facilitate handling, and ease equitable distribution. Other forward-looking ideas are waiting in the wings.

Group I was asked to consider:

1. Greater participation by the needy through improved delivery systems, volunteer activities, food and nutrition education, etc.
2. Operating Expense Funds--transportation.
3. Eligibility--nationwide standards, simplified certification, restrictions, fair hearings.
4. The family food package--recommended changes, food items, packaging, labels, etc.

Recommendations:

Nutrition Education

1. It is recommended that each State agency handling commodity foods for needy families employ a nutritionist for the State staff. This nutritionist would coordinate the activities of the commodity program with those of the State Extension Service and other agencies interested in nutrition education.

   Background: It is a slow process to get people to select and prepare food that will provide the nutrients needed by the family members. However, many States have had good success with the use of demonstration centers, particularly with making recipes available.

   There are 1,055 county-city areas covered with FES nutrition aides and some of these are understaffed. This is something like one-third of the total areas in need of such assistance.

   Group I believes that a qualified nutritionist could do much to bring about maximum utilization of nutrition-education efforts available throughout the State.

Nutrition Education

2. It is recommended that each State agency distributing donated foods to needy families make maximum use of the nutrition aides available to gather much needed information on outreach for the distributing agency. This could be accomplished through a simple reporting system from the aides to the distributing agent.

   Background: Individual reactions and recommendations from recipients and aides concerning our food needs, especially those ideas concerning likes and dislikes as well as use of and attitudes towards our foods, could be fed back to the State D/A.

   Arizona has prepared and distributed a remarkably successful publication called "Cooking Capers." This booklet has been made available to all interested and has been widely used in Arizona as well as other States. The booklet also contains a "report-back" section which is completed and returned to the D/A. Last year some 4,500 of these were returned to the D/A containing valuable information about the food program.

Nutrition Education and Volunteer Activities

3. It is recommended that the governor or legislative body of each State be requested to appoint an agency within the State to coordinate the activities of the many agencies now concerned with nutrition education to improve the total of the State operation, to provide better coverage, and to prevent duplication of effort.

Background: Missouri has been most successful with their coordination effort to bring about maximum gain from many volunteer agencies in the field of nutrition education. Group I believes similar accomplishments could be achieved by other States if the governors could be persuaded to get involved and push the programs.

Improved Delivery Systems

4. It is recommended that each State agency handling donated foods to needy families be encouraged to improve delivery of commodities to recipients by establishing self-service distribution centers, mobile distribution systems, delivery to the homes of the elderly and infirm, installation of more accessible distribution points, and by increasing the number of hours or days to ensure access to foods at times other than the normal working day.

Background: The self-service distribution method has proved that most of the recipients will select only those foods they can use when given the opportunity to choose their own foods. Self-service has also improved recordkeeping by reducing the overages and shortages normally found in the across-the-counter distribution system. In addition, this system helps eliminate preposting of distribution cards and adds a psychological value by allowing the recipients to select their own foods.

We have all recognized the need for more readily accessible distribution points, especially in counties that cover wide areas. We also recognize that tailgate distribution tends to greatly restrict the hours in which the food is available.

It is most difficult and, in many cases, impossible for elderly people to travel great distances to receive their food. Sometimes the quantity of food alone prohibits participatioon by the elderly because of their inability to handle the food and get it to their homes. Therefore, we believe the distribution to the homes of the elderly and the infirm should be the goal of all concerned.

Distribution centers that are kept open and maintained only during working hours of the day of the normal work week are of little value to the individual who works the normal work week and is unable to pick up his foods during those hours. Therefore, we have recommended that the centers be made available at times other than the normal work day or week.

Nationwide Standards of Eligibility

5. It is recommended that USDA and HEW, working together at the national level, decide and prescribe a joint-type policy that could be used by each agency required to determine eligibility standards for the many

and various programs offered by the FNS and the Departments of HEW. It is further recommended that this information be sent to the State agencies concerned.

Background: To date there are many systems and a great variety of ways used to determine income and resource limitations in the programs of both HEW and USDA(FNS). Since the receipt of food or stamps is based on a welfare standard, Group I believes that the standards used for receipt of HEW funds and our USDA foods or stamps should be the same for everyone including both public and non-public assistance cases.

Simplified Eligibility Determination

6. It is recommended that the Department make available to the States guidelines on simplified eligibility determination for commodity distribution simultaneously with similar action by the Food Stamp Program. It is further recommended that verification of income not be required for the first month's issuance of commodities.

Background: Many of the States using simplified certification in certain of their welfare programs at present believe they would be in a better position to implement this system for commodity distribution and food stamps as a simultaneous action. Further, Group I believes that, since our present instruction authorizing one month's distribution on commodities without verification of income are effective, that this should be extended into and put in use with simplified certification.

There was some expression of doubt as to the ability to provide the quality control required by HEW for our commodity food program. This will require additional discussion on an individual State basis.

Greater Variety of Foods

7. It is recommended that the distributing agencies be permitted to indicate their preferences for specific items of available donated foods, and that these requested preferences be honored.

Many States have indicated requesting items of a specific type; i.e., beans, etc., and without notification have received substitute items which were not acceptable in their States.

Expanded Variety of Donated Foods

8. It is recommended that the Department expand varieties of foods, using surplus foods in various combinations such as cake mixes, cooked canned beans, pie mixes, etc., and investigate the use of instant rolled oat cereals in the School Breakfast Program.

Background: Many distributing agents would welcome more variety in the foods so as to be better assured of actual nutritional intake for the recipients. Despite the fact that warehousing space would present a problem, the members of Group I recommend that this subject be researched and, if possible, implemented.

Packaging of Foods

9a. It is recommended that packages of food be confined to one size and that the size package selected be such that every family could receive all commodities each month. For example, if lard or shortening were confined to one-pound packages, it would be possible for the smaller sized families (one or two persons) to receive this commodity every month instead of on alternate months as is the case with larger package sizes. Further it is felt that accountability problems would be lessened.

9b. Further recommendations by the group are that juice containers include a plastic cover so that the unused portion may be saved for further use.

9c. It is recommended that brightly colored covers, if possible matching the color of the contents, be used on the labels. This would make for a more attractive and desirable food package. Further, it is recommended that pictures of the contents of the can or package be placed on the label to clearly identify the package to the recipients who are unable to read.

9d. Further, it is recommended that the Department resolve the problem of inadequate or weak containers by adopting the following:

(1) Syrup packaged in an unbreakable container.
(2) Cellophane packs with heat-sealed seams more sturdily bound to eliminate spillage in all food items for which they are used or that plastic bags be placed in individual boxes for protection.
(3) Evaporated milk packaged in a more sturdy container--the cans are too fragile.

9e. It is recommended that the Department expand the distribution of canned butter to additional counties, especially those without adequate refrigeration.

Summer Camps

10. It is recommended that rates of distribution of commodities to summer camps be set according to actual needs.

Background: Our reasoning for the above recommendation is that the amount of food presently allowed summer camps is not nearly enough to meet the needs of campers. This is particularly true with respect to chopped meat and peanut butter. Children in camps are most active and probably eat more during the camping period than they would at home; the cost to the camp of transporting the small quantities of foods now available are in some instances more than the foods are worth to the camp; and further, the camps are nonprofit and should receive sufficient quantities of each available food to meet their actual needs.

Operating Expense Funds

11. It is recommended that FNS explore the possibility of amending OEF regulations to permit funds from the States' grants to be provided to a county in hardship situations. This is in addition to the restriction that such funds be used only to expand and improve the programs.

Procedure for Getting Funds

12. It is recommended that the method of getting OEF funds to the States be changed to the letter-of-credit procedure.

Penalties for Vendors

13. It is recommended that penalties be increased on vendors who do not ship foods on time.

Publicity

14. It is recommended that the Department provide information to local governing boards regarding the family feeding programs that would indicate and communicate the Department's intention of program expansion rather than program reduction pending phase-out.

Background: It was thought by this group that many of the presently operating Commodity Distribution Programs for needy families are most reluctant to take on additional expense of improving or expanding for fear that it is a waste of funds. This is the result of constant publicity in the news media that the Food Stamp Program will replace the Commodity Distribution Program in the very near future.

Racial/Ethnic Group Data Collection System

15. It is recommended that the Department revoke FNS-CD Instruction 718-16, Racial/Ethnic Group Data Collection System.

Background: Previously all reference to this was not to appear on records. To gather this data now would impose severe hardships on many States and the changing of some State laws which now prohibit gathering such information. The cost of such gathering would be expensive to most States.

GROUP II

CHALLENGES OF THE CHILD FEEDING PROGRAMS

The child feeding programs present a tremendous challenge, not only to State distributing agencies cooperating with the Food and Nutrition Service, but to the entire United States Department of Agriculture. The goals here include reaching 6.6 million children with free or reduced-price lunches by Thanksgiving time, but they go much farther than this. We must strive to ensure that all children have access to a lunch and/or breakfast. It is essential that breakfast programs have donated foods available. The distribution program has a big job ahead and the opportunity to show what it can do to meet these goals.

We all need to understand more clearly the impact that the new School Lunch Regulations will have on the distribution program. The use of limited items in those service institutions receiving reimbursement under the special food service program for children, the use of donated foods where processing contracts and food service management contracts are involved--both of these impose new challenges. Intrastate delivery systems must be geared up to provide service to additional outlets and throughout the year. Warehousing capability must be examined to improve as necessary the availability of food to all child feeding programs. Uses that could be made of Operating Expense Funds in warehousing and delivery need to be considered. Exciting, new foods will become a part of the distribution program and must be delivered and utilized.

Group II was asked to consider:

1. New School Lunch Regulations - planning and coordination with SLD/A, new eligible outlets, "Commodity Only" schools.
2. Adequate warehousing - needs.
3. Intrastate delivery system.
4. Contracts - processing, food service management.
5. Research and development.

Recommendation 1

16. The group recommends that USDA through the combined efforts of the Washington and Regional Offices improve communications. Specifically, new program regulations, instructions, and commodity information must be channeled to State agencies on a more timely schedule.

Recommendation 2

17. Whereas implementation of the expanded child nutrition services mandated by revised regulations promulgated by the passage of Public Law 91-248

is resulting in substantial increases in the number of children being served nutritious meals; and whereas there has been no related increase in the quantity of commodity foods purchased for subsequent distribution to cover these expanded programs; and whereas the economic inflationary spiral has reduced the quantity of commodities able to be purchased by the present appropriation of funds; and whereas this has had a diminishing effect on the maintenance of the assistance level for the child nutrition programs; and whereas we feel that the purchasing power of the USDA can be a strong contributing factor in stabilizing the economy of the food production industry; and whereas we realize the intent of Congress to reach all needy children can be more readily attained by an increase in the quantity of foods donated by the USDA to programs devoted to child feeding; be it resolved that the following recommendation be taken under consideration.

Recommendation: USDA provide adequate funding beginning in the fiscal year 1972 and thereafter to guarantee that the commodity assistance level to child nutrition programs be maintained at a level equal to, or greater than, the assistance ratio USDA commodity procurement to local school food purchases as reached in fiscal year 1968.

Recommendation 3

18. Whereas donated commodity acquisition costs (such as administrative, warehousing, and transportation) often dilute the financial assistance the commodities are intended to provide nonprofit feeding programs; and whereas monies expended in donated commodity acquisition charges are needed to improve and refine feeding services; be it resolved that the following recommendation be taken under consideration.

Recommendation: Monetary support money to State Distributing Agencies be provided with Federal funding to provide for payment of expenses associated with the within State costs of distribution of commodities to eligible recipient agencies and that should present regulations or legislation prohibit the implementation of this resolution, then the regulation and/or legislation be amended to provide for the authorization of such monetary support funding.

Recommendation 4

19. Achieving the broad Section 32 surplus-removal objectives, which include market development, and promoting nutritional objectives dictate consideration of the following in USDA commodity purchasing programs: (1) Total Federal and State and local costs of putting donated foods on the school lunch table; (2) Increased utilization rates that can be achieved when the form and packaging of surplus foods are convenient for use in child feeding programs. The value of such considerations has been demonstrated in the family feeding program. If this cannot be achieved under existing legislative authorities, it is recommended that new authorities be sought.

Also, State distributing agencies should give greater consideration to processing contracts that they might get better utilization of commodities and reduce food costs in the child feeding programs.

Recommendation 5

20. The Department should purchase and make available to Guam, Alaska, the Trust Territories, etc., the instant nonfat dry milk for child feeding programs.

Recommendation 6

21. Whereas over the years our schools have traditionally looked upon the availability of dairy products such as butter and cheese as a normal part of the Federal contribution to the school feeding programs; and whereas State agencies are and have been receiving many requests for information on when cheese will be made available under the Commodity Distribution Program; and whereas the Congress, by Section 709 of the Food and Agriculture Act of 1965, has authorized and directed the Secretary "to use funds of the Commodity Credit Corporation to purchase sufficient supplies of dairy products at market prices to meet the requirements of any programs for the schools (other than fluid milk in the case of schools)...and such other programs as are authorized by law, when there are insufficient stocks of dairy products in the hands of Commodity Credit Corporation available for these purposes"; be it resolved that, representatives of the State Distribution Agencies in group assembled, during the course of the Food Distribution National Workshop, September 28 through October 1, 1970, strongly urge and respectfully recommend that every consideration be given by the Secretary toward activating his authority through an immediate purchase of cheese to meet the needs of the School Lunch and Child Nutrition Programs.

Recommendation 7

22. A portion of the new 1 percent reserve of child nutrition funds under Public Law 91-248 be utilized to study and develop new ways to utilize donated foods in child feeding programs.

GROUP III

CHALLENGES IN INSTITUTIONAL FEEDING

A broad number of challenges confront the institutional feeding program. In the case of the elderly, innovative approaches will continue in the delivery of prepared meals to their private residences and in providing luncheon service for them at Senior Centers and schools. Some concern has been expressed about the variety of donated foods now available to the larger institutions, but questions about priority and supply are entailed. The reductions in the number of needy family programs may require changes in delivery patterns in order to assure adequate supplies of foods to the institutional outlets. The continuity of service to these outlets needs to be maintained. The line of items available and the rates at which they are distributed and consumed deserve serious consideration. Donated foods are now routed into correctional institutions for adults--a whole series of challenges.

Group III was asked to consider:

1. Food service for the elderly - residential deliveries, senior centers, meals on wheels, schools.
2. Priorities for food allocations.
3. Improving services - survey, food items available, distribution rates, summer camps.
4. Correctional institutions - minors and adults.

Introduction:

Work Group III was charged with the responsibility of considering the challenges of change confronting the program of distribution of USDA commodities in institutional feeding. In a climate of national concern for improving nutrition, it is the consensus of Group III that the program of food distribution to institutions should be reappraised with a view toward expansion and improvement.

This is necessary because widesweeping social legislation and concerns of the 1960's have considerably changed the composition of our institutional programs. A multiplicity of eligible or potentially eligible outlets for donated commodities has been the outgrowth. As examples, the Medicare-Medicaid Programs have created new problems in determining eligibility for donated food assistance in medical institutions. Group feeding programs and "Meals on Wheels" for the elderly have proliferated.

The Group recognized that USDA has, through policy instructions, procedures, and other means, made an effort to provide guidance designed to help the States respond to the changes indicated above. However, the Group feels that this guidance has not resulted in a sufficiently effective food assistance program for institutions. This situation is further complicated when USDA limits the variety of foods available to different categories of institutions without sufficient prior consultation with its State partners.

In the lively discussions and deliberations which shaped the recommendations to follow, there was a pervasive feeling among Group III that USDA should use its resources to make a more meaningful nutritional contribution in institutions or, alternatively, to channel this capability in other directions; and, that the Department needs to place more reliance on the good judgment and experience of its State partners in administering the program.

Recommendations:

Recommendation 1

23. Recognizing the emphasis currently being placed on programs for the elderly, Group III recommends that the United States Department of Agriculture eliminate the factor of need in determining the eligibility of all persons age 65 and over in all eligible, nonprofit institutions. The Group recognizes that amending legislation would be required to implement this recommendation.

Recommendation 2

24. The institutional food donation program as presently constituted offers a minimum of assistance toward meeting nutritional goals. If we are to significantly improve the nutrition of eligible persons in public and private nonprofit institutions, it is the recommendation of Group III that USDA-donated foods similar to those available for distribution to needy families be made available to all eligible, nonprofit institutions.

Recommendation 3

25. After discussing the problems involved in applying the provisions of FNS (CD) Instruction 708-7, "Establishment of Sub-Classes of Recipient Agencies...," Group III recommends that USDA-established priorities for food allocations among categories of institutions be eliminated, and that the matter of priority distribution, when necessary, be left to the discretion of State distributing agencies, taking into consideration available food supplies and the food needs of the various institutional groups.

Recommendation 4

26. Group III took recognition of the problems created by the failure of railroads to follow directives furnished by the American Association of Railroads in the disposition of damaged commodities. This was brought to the attention of Group II where matters of this nature were being considered. The recommendation brought to that group's attention is: That the United States Department of Agriculture again request the American

Association of Railroads to notify the many rail carriers of the existing instruction to carriers relative to the handling of damaged commodities so that a uniform procedure may be followed.

Recommendation 5

27. With respect to rates of distribution for institutions, Group III recommends that the Food and Nutrition Service, through its Technical Services resources, re-evaluate present institutional rates of distribution to make certain that such rates are based on the ability to use. An evaluation of current activities in the area of nutrition education and food utilization for institutions should also be made to determine what educational programs are needed to assist institutions in making the most effective use of donated commodities. (Arrangements should be made to make sure that USDA resources are available to institutions.) Group III recognizes the need for a comprehensive, one-time, in-depth survey of all participating insitutions to properly perform these evaluations.

Recommendation 6

28. Group III recommends that USDA financial assistance be made available to States to expand and improve the distribution of donated commodities to nonschool feeding programs. In view of the fact that funds are currently available to expand and improve commodity distribution to needy families, and recognizing that the demands on such funds will diminish as more and more areas transfer from needy family distribution to the Food Stamp Program, Group III recommends that the USDA in its annual budget request Operating Expense Funds for State distributing agencies, for the expansion and improvement of commodity distribution to all nonschool feeding programs. Furthermore, the group hopes that the upcoming Kearney study of commodity distribution will point out those areas within the various State distribution systems that should be changed or improved.

Recommendation 7

29. The State representatives in Group III recommend that National workshops on Commodity Distribution be held as often as necessary but no less frequently than annually.

Conclusion:

The Group wishes to express its appreciation to Mr. John Stalker for his lucid, comprehensive, and stimulating presentation on the Massachusetts program for feeding the elderly through the use of school lunch facilities. The Group considered this excellent, detailed explanation in its deliberations on the whole area of USDA food assistance to the elderly.

The State representatives instructed the chairman to express their sincere appreciation to the United States Department of Agriculture for the opportunity to participate in this, the second National Workshop on Commodity Distribution.

GROUP IV

CHALLENGES POSED BY SPECIAL GROUPS

These special groups do not fit the routine molds. Providing food assistance to these groups challenges the flexibility of traditional methods. Migrants move. Indian communities have varying lifestyles. Disasters occur without warning. Problems arise in assuring that mothers and infants consume the types of food they need. Ethnic groups are used to their custom foods. One or more of these groups present challenges almost daily to every State Commodity Director. The workshop presents an opportunity to get all of our suggestions and ideas presented and discussed to help crystallize our thinking and recommendations for meeting the needs we are capable of meeting.

Group IV was asked to consider:

1. Pregnant and nursing mothers and infants.
2. Migrants.
3. Indians.
4. Ethnic Groups.
5. Disaster Victims.

Recommendations:

I. Ethnic Groups

Recommendation 1

30. Recommended that the Commodity Distribution Directors contact the Extension Service Directors of the State or County. Ask extension service aides to survey ethnic groups to learn if foods other than those currently being distributed under our programs would be more acceptable. If there is no extension service in the State or County, ask a nutrition council or similar agency to conduct such a survey. Findings are to be reported back to Commodity Distribution Directors who in turn will forward findings to the Washington office.

Recommendation 2

31. Explore the possibility of providing convenience foods for distribution to needy families in ethnic groups as well as to schools servicing people from those ethnic groups.

Recommendation 3

32. Explore the possibility of allocating and distributing certain foods in small quantities to service small caseloads.

II. Supplemental Food Program

Recommendation 1

33. Group IV agreed to support Food Stamp Program or Commodity Distribution Program as basic family food assistance programs and recommends that efforts be made to improve the food assistance programs in accomplishing their original intent. Further, that the Supplemental Food Program be continued as a supplement to those programs.

Recommendation 2

34. Recommended that the Supplemental Food Program be established nationwide.

Recommendation 3

35. Group IV recommends that ages 2-5 be reinstated into the Supplemental Food Program.

Recommendation 4

36. Recommend that the Supplemental Food Program be continued on the same eligibility standards as are contained in USDA Regulations Part 250.14 (which refers to certification under the control of public health authorities), and that these standards also apply to the Food Certificate Program.

Recommendation 5

37. Recommend that a standard list of foods be established for the Supplemental Food Program and that the nutritional value of those foods not be changed.

III. Indians

Recommendation 1

38. Recommended that the USDA give consideration to the expanded use of State Operating Expense Funds for Commodity Distribution to cover the implementation and expansion of the Supplemental Food Program where necessary and where funds are available.

Recommendation 2

39. Request authorization to implement pilot or restricted area Food Stamp Programs within Indian Reservations to determine the feasibility and acceptance of the Food Stamp Program by Indian households. Persons may not participate in both programs simultaneously.

IV. Disaster Victims

Recommendation 1

40. Recommend that USDA provide guidelines, pending new legislation, on how to respond to man-made disasters.

Recommendation 2

41. Recommended that the Regional Office Directors be delegated the authority to determine that a disaster has occurred of such a magnitude that requires the use of USDA-donated commodities in a Food Stamp area.

Recommendation 3

42. State agency directors offer commendation to Washington and Regional Office people for assistance given in past disaster situations.

V. Migrants

Recommendation 1

43. Recommend that a nationwide registration and identification system for migrant workers be established. All persons would be registered. All persons aged 16 years and older would carry individual identification. Identification cards would provide vital statistics and picture. Numbers or months would be listed on the outside edge of the card so that agencies could indicate months in which issuance had been made. The card would be useable for both Commodity Distribution and Food Stamps.

Recommendation 2

44. Recommend that the USDA continue its efforts to establish a nationwide certification for migrant labor based on annual income. Individuals would be certified to avoid the problem of changes in household size. Family income would be prorated to all members of the family. Authority would be given to reduce temporarily the purchase requirements in Food Stamp areas during periods when the individual is unemployed due to circumstances beyond his control.

VI. Annual Commodity Conference

45. Recommend that the USDA annually hold a conference similar to this one.

General

46. On Thursday morning, after discussion and passage of the Working Groups' recommendations, it was moved from the floor that the States be informed regularly about the progress of the Workshop's recommendations, which motion was approved.

APPENDIX A - SPEECHES

Notes From Mr. Davis' Speech

Mr. Davis said that one of the requirements of the pending Food Stamp amendments was for the Secretary of Agriculture to establish national eligibility standards. If they passed, he said, there could be a similar change for the CD needy family program. In mentioning the legislation that has been introduced for feeding the elderly, Mr. Davis said that the Food Stamp amendments provide for use of food stamps for home delivered meals; but he thought that within existing legislation CD could innovate and provide improved food service to the elderly. He also said that if and when the Family Assistance Program is passed, that would not mean that the CD needy family program would be eliminated.

* * * * *

Notes From Mr. Rorex's Speech

Mr. Rorex detailed the following changes P.L. 91-248 has instituted in the child feeding program.

1. Now, National School Lunch Program requirements must be met by any school receiving commodities, with one exception; in non-NSLP, nutritious meals incorporating food from the four basic groups must be served in lieu of lunches meeting Type A lunch requirements.

2. The Secretary of Agriculture must set nationwide standards of eligibility for free and reduced-price lunches. These standards are minimums, and after January 1, 1971, must be met by all States. States may permit free or reduced-price meals for children in families with higher incomes. That is, the States may establish income eligibility levels higher than the Secretary's standards. The standards which are used must be publicly announced in the community. The price of a "reduced-price" lunch may not exceed twenty cents.

3. States must develop plans to extend the NSLP to all schools.

4. States must match Federal funds provided under section 4 of the National School Lunch Act.

5. Section 6 commodities may now be used in breakfast programs and nonresidential child care programs participating in the Special Food Service Program.

* * * * *

Notes From Mrs. Turner's Speech

Mrs. Turner said that of the 3,129 counties and independent cities in the country about 1,050 participate in the Expanded Food and Nutrition Education Program. They employ some 7,000 Aides who work an average of about 127 hours a month. In the past year and a half, the Aides have reached more than 700,000 families. Statistics on these families show that:

1. 63% have incomes less than $3,000 per year and about 16% less than $1,000.

2. 43% participated in either the Food Stamp or Needy Family program in June 1970.

3. Two-thirds of the families are members of minority racial groups: about 48% are black, and the rest Indian, Spanish-speaking, or Oriental.

4. Substantial improvements in diets may have resulted. The diets of the homemaker (normally the most poorly nourished member of the family) were checked early in the program. Several months later, three times as many of those still in the program had relatively good diets. There was a pleasing increase in the use of nonfat dry milk.

* * * * *

Excerpts From Mr. Lyng's Speech

It is a pleasure to be here this morning and to represent the Secretary of Agriculture as I bring to you his regards. He is very interested in the work the Food and Nutrition Service people are doing as they continue to expand and improve USDA feeding programs in the United States.

We are most grateful for the concentrated effort directed toward improving our programs and the assistance in helping achieve President Nixon's stated objective--the beefing-up of the School Lunch Program in the bill which he signed last May.

We are substantially reducing the number of no-program counties and improving the delivery systems for child nutrition and family feeding programs.

In the spirit of a bi-partisan effort, the Congress is also concerned with the problem of malnutrition in this country, especially poverty-caused malnutrition.

We think there is much to be done and we have only begun. With over 200 million people living in our great country, we should be aware that never before in recorded history has an organized and massive attempt been made to eliminate poverty-caused hunger.

Soon, we will listen to some words from Aaron Altschul, Special Assistant to the Secretary, who has just returned from India. The number of Indian people in the low-income classes is equivalent to the total population of the United States.

We have learned a great deal at home about how to eliminate hunger and malnutrition, but we are a long way from totally eradicating it. We need to actually increase the consumption of food by everyone in this country; this might be done by increasing the activity of the people. It may be that we will have more difficulty in achieving a balanced nutritional level in this country unless we can get people to exercise more, and subsequently, eat more.

All of you are interested in the changes that are taking place for the Commodity Distribution, Food Stamp, and School Lunch Programs. None of us can really say what the future holds in this, but it is probably safe to predict that our commodity distribution programs will burgeon, particularly for the schools. But certainly the food donation program will continue to assist family food distribution and other related programs. I cannot imagine the time when we would not have a commodity distribution program because it benefits so many people per year as it helps satisfy the President's objectives and the goals of USDA's Food and Nutrition Service.

The one thing we can count on is we are going to see a tremendous amount of change in the future; change has come more quickly in the recent years. In the next ten years it is anticipated that the gross national product will nearly double; we will witness an explosion of affluence with an increase in disposable incomes. This will leave an indelible imprint on the food industry--increased sales.

We are going to have to manage these changes instead of having the changes manage us. By being the managers of change, we can use change for the benefit of the people in this country. However, if we allow change to manage us, it will have deleterious effect. It will be harmful to the majority of the people in this country.

We are pleased that you are here in this Workshop, and again for Secretary Hardin, I welcome you here to Washington, D.C. To reiterate, we are quite pleased with the work we see that you are doing.

* * * * *

A Text From Dr. Altschul's Speech:

THE QUIET REVOLUTION IN NUTRITION AND FOOD SCIENCE

Man's knowledge of nutrition and his ingenuity in food science have multiplied tremendously in the past half century. In the field of nutrition we know quite a bit about proteins and amino acids, about vitamins, and the trace minerals. We probably know enough to be able to do much to improve nutrition of most people. I am not saying that we know all we need to know, but we have enough knowledge upon which to base aggressive programs to eliminate malnutrition.

In the area of food science, we can now synthesize vitamins and amino acids. We can make foods which are not only nutritionally complete, and acceptable in terms of texture, flavor and appearance, but at relatively low cost as well.

What is the significance of this "quiet revolution" in our knowledge and technical capability?

First, it is now economically possible to eliminate malnutrition caused by poverty, especially in vulnerable groups such as pre-school children, pregnant women, nursing mothers, and the aged, at much lower costs. These are the groups which generally are the least well nourished, and where the results of malnutrition are most dangerous.

We can eliminate such malnutrition in several ways: One is by reducing the cost of the most expensive nutrient, protein, by using more low-cost proteins such as soy which are in abundant supply, or by increasing the protein effect of cereals by amino acid fortification. Such protein sources can reduce the cost of protein as much as half.

Second, we can reduce the need for specific foods as sources of vitamins. It is not recommended that we place less emphasis on fruits or vegetables as the best sources of vitamins. But it now is at least possible to put vitamins into the basic food staples and insure sufficient vitamins to meet the daily requirements.

These concepts are already having a major impact on our food habits and our nutrition, but their importance will continue to grow as population pressure on the land continues to increase and as our diets include more processed foods.

The kinds of intervention that are possible to eliminate malnutrition are of three classes:

a. Transform the major food into a complete food by proper fortification,

b. Use institutions as a means for improving diet and for correcting deficiencies of the food eaten out of the institutional context.

c. Use habits as a means of correcting deficiencies. Convert soft drinks and snacks into complete foods, as an example.

Any intervention must be coupled with: 1) proper surveillance to insure that what is being designed is indeed, achieved; and, 2) change of the intervention itself as health or food habits change.

Here are some examples of how we are trying to carry out the above-mentioned principles.

Major Foods

In cooperation with the Agency for International Development we are conducting research in three countries on the basic concept of fortifying food staples such as cereal grains.

In Tunisia, Harvard University is directing a study of some 70,000 people in 12 villages where the basic food is wheat. The purpose of the study is to fortify wheat with the deficient amino acid lysine and with vitamins and minerals, over a several year period, and conduct biomedical, social, economic studies of the results of such fortification upon the people.

In Thailand, rice is being fortified with rice-like granules containing the deficient amino acids lysine and threonine, and vitamins. The fortification granules are added to ordinary rice and, we hope, remain indistinguishable from the rice itself. Again, the study will run for several years and will include biomedical and other observations to determine improvements in nutrition.

In Guatemala, corn meal is being fortified with soy flour and lysine which adds the deficient amino acids lysine and tryptophan.

Institutions

In the United States we have several institutions which can be vehicles for nutrition improvement. USDA's child feeding programs have provided a certain amount of food for a certain number of children; we are exploring ways to use the program more effectively. For example, the Department of Agriculture is taking a new look at the Type A lunch. Traditionally this was comprised of a certain amount of protein-rich foods, fruits and vegetables, cereals, etc. We are examining our traditional attitudes, and may someday be able to design school meals not merely by types of foods but rather according to their nutrient content. Three examples may suffice.

Our breakfast regulations call for whole grain cereal, fruit juice, bread and butter; with milk, these provide the necessary breakfast nutrients. One company has now developed a breakfast food which, when eaten with milk, not only combines all the nutrients in the above ingredients but is: 1) readily acceptable by children, 2) requires no refrigeration or preparation; and, 3) costs no more than the above breakfast. It is, frankly, a type of cupcake which children have long enjoyed.

Macaroni has long been a mainstay of the school lunch program; it is well liked by children and easy to prepare, and is a good base for meat or cheese. But macaroni, even though it contains 10% protein, has been considered a carbohydrate food. Now, there is a macaroni (containing soy) which contains 20% protein, of high quality. The Department of Agriculture is considering giving credit to such macaroni products as part of the protein requirement of the lunch. This could reduce the cost of a lunch several cents, while maintaining nutrition. The school can use the savings to provide more free or reduced-price lunches.

A third example is textured soy protein, also being considered as part of the protein requirement in school lunches. Although the theory for creating these products has existed for a generation, only in the last few years have they been commercially produced. Basically, soy flour is spun and textured or extruded into pieces which, when cooked, resemble meat, fish or other animal products. Such products are nutritious, are pre-cooked, and can be mixed with hamburger or prepared in casserole-type dishes as a partial meat substitute. They offer several benefits, the primary one being a lower price. A meat patty made of one third textured vegetable protein and two thirds meat will cost 2 to 3¢ less, will cook faster, and be as tasty and nutritious as the 100% meat patty. Again, as with the macaroni, such products make possible more efficient use of school lunch funds and permit more participation of needy children. We assume the schools will continue to buy as much meat as before, but will feed it to more children.

Eating Habits

Throughout history all cultures have observed traditional eating habits. While these may change over a period of time, change is difficult and often brings with it nutritional problems. In the United States--in fact throughout the world--we consume large quantities of soft drinks and snack foods. They offer refreshment and good taste. This is a fact of life which nutritionists cannot avoid and which nutrition educators are finding difficult to change. Rather than merely lecture people not to consume soft drinks and snacks, another alternative is to insure that such foods are more nutritious.

The food industry has begun to recognize the problem. Coca Cola, for example, is test marketing protein drinks in Brazil and Dutch Guyana. Many other companies are working on the concept of producing a carbonated soft drink which contains protein plus vitamins and minerals. Although the technology necessary to do this is quite difficult, such drinks will be on the market in the near future. Kool Aid, long a favorite in the South, now contains vitamin C and the company is working toward adding other nutrients as well.

Snack foods will also be improved. Several companies are working on a potato chip which will contain added soy, vitamins, and minerals, thus making a snack food a complete food. The basic concept here is merely to make popular, basic foods as nutritionally complete as possible so that food habits become a vehicle for good nutrition.

Take the case of the Navajo Indians. A group of us visited the reservation in January 1970. We found that the Navajos subsist largely on a diet of wheat flour, beans, and corn, eating milk, meat and vegetables in less than desirable quantity. Because our food assistance program with the Navajos is in the form of commodities, we were able to make some direct changes based on Navajo food preferences. We found that Navajo "fry-bread" (a pancake-type product made from flour and water) may provide most of the calories for adults and children as well. Fry bread and black coffee are often a meal, even for pre-schoolers. Even though we distribute commodities to Navajos, poor distribution due to complex administrative problems and geography may cause many people to go without adequate food. Thus we made two changes in our flour shipments to the area: We arranged for purchase of bread flour, which the Navajo prefer, and we added the deficient amino acid lysine and double vitamin and iron enrichment.

We also found that both the Indians and Mexican Americans in our Southwest states prefer pinto or red beans rather than white beans. This is partially because of hundreds of years of tradition and partially because the pintos require less cooking time; fuel is scarce in that area. We are now shipping more pintos and less other varieties.

Third, we found that corn meal and corn flour are basic food staples in the area and are testing a corn meal with 15% added soy; the soy providing the missing amino acids and thus making the corn a complete food.

We are examining other subcultures in the U.S.--the Alaska Native population, Puerto Rico, and the inner city ghettos. Each will require a slightly different strategy based on food habits, income, food marketing systems, and other factors; and adjustments will have to be made as biomedical surveillance tells us about changing conditions.

The Future

For the future, I see the day when most foods will be nutritionally complete on a calorie basis. That is, each food will furnish complete nutrition in proportion to its contribution to the total food intake.

I see the day when food will be tailored or engineered to end malnutrition as a disease. That is, foods will be developed and priced so that the poorest can afford good nutrition.

Finally, I see the day when foods will be tailored for preventive medicine. For example, a person who needs certain foods to prevent a disease or minimize chances of its appearance, will be able to get foods specifically designed for his particular condition.

Those of us who are involved in food programs and in food policy can either stick with the past or ride with the future. I am proud to see that USDA has chosen the route of adopting the new technology in a responsible way.

* * * * *

APPENDIX B - WORKSHOP ATTENDEES

State Representatives and Regional Staffs

Northeast Region

Connecticut	Edwin S. Pfeiffer	Dept. of Finance & Control
District of Columbia	Louise Baker Melvin Boger	D.C. Public Schools D.C. Public Schools
Maine	Lawrence Downs Alice Garby	Dept. of Health & Welfare Dept. of Education
Maryland	William J. Brugger W. Kenneth Shifflett	Dept. of Budget & Finance Dept. of Education
Massachusetts	Thomas Donoghue John C. Stalker	Dept. of Education Dept. of Education
New Hampshire	Richard Johnson	Dept. of Admin. & Control
New Jersey	Ellsworth Reiss	Dept. of Treasury
New York	James J. Donnelly Richard O. Reed Lewis Schorr	Office of General Services Dept. of Education Dept. of Education
Pennsylvania	Robert J. Freiler	Dept. of Property & Supplies
Rhode Island	John R. Robinson	Dept. of Administration
West Virginia	Grace Strain	Dept. of Welfare
Regional Staff	Wallace F. Warren, Director, FNS, Northeast Region Robert Hanifin, Supervisor, CD Program Gene Thibodeux, Assistant Supervisor, CD Program	

Southeast Region

Alabama	Oscar L. Bentley, Jr. Robert Stewart	Dept. of Pensions & Security Dept. of Education
Georgia	C. Travis Holtzclaw John T. Mann Maurice Thompson Paul Wills	Dept. of Family & Children Services Dept. of Family & Children Services Dept. of Family & Children Services Dept. of Education

Kentucky	Tom Lewis	Dept. of Agriculture
Mississippi	W. T. Parker Lena C. Rigby Harris Tucker	Dept. of Education Dept. of Public Welfare Board of Mental Institutions
North Carolina	Jay P. Davis	Dept. of Agriculture
Puerto Rico	Enrique Balasquide Humberto Bas E. Perez-Ginoro	Dept. of Education USDA Field Office Dept. of Social Services
South Carolina	G. Ramon Aycock James T. Theus	Dept. of Education Board of Health
Tennessee	Frank Perkins	Dept. of Agriculture
Virginia	Thomas R. Yates	Dept. of Agriculture
Virgin Islands	Donald George	Dept. of Social Welfare
Regional Staff	Russell H. James, Director, FNS, Southeast Region John Hughes, Supervisor, CD Program Leeman Barge, Assistant Supervisor CD Program	

Midwest Region

Illinois	Ray Suddarth	Dept. of Public Instruction
Indiana	Ed Booknis	Dept. of Public Instruction
Iowa	Vernon Woodard	Dept. of Social Services
Michigan	John Gambotto	Dept. of Social Services
Minnesota	Charles L. Matthew Joseph O'Rourke	Dept. of Education Dept. of Education
Missouri	James Curry Roy Ferguson Earl M. Langkop	Dept. of Education Dept. of Health & Welfare Dept. of Education
Nebraska	Harold R. McGrew	Dept. of Public Welfare
Ohio	Thomas McQuade	Dept. of Public Welfare
South Dakota	Martin Sorenson Melvin Wall	Dept. of Education Dept. of Education

Wisconsin	Fred Jordan	Dept. of Public Instruction
	Edward J. Post	Dept. of Public Instruction
Regional Staff	Dennis M. Doyle, Director, FNS, Midwest Region Albert Carlson, Supervisor, CD Program Robert O'Hagan, Assistant Supervisor, CD Program	

Southwest Region

Arkansas	Lois Roton	Dept. of Public Welfare
Colorado	Ronald S. Mikesell	Dept. of Social Services
Kansas	Harold L. Smelser	Dept. of Social Welfare
Louisiana	Randall Wright	Dept. of Education
New Mexico	Thomas G. Brandt	Bureau of Indian Affairs
	Paul Brock	Dept. of Health & Social Services
Oklahoma	Lewis Hope	Dept. of Public Welfare
Texas	William Herndon	Dept. of Public Welfare
Regional Staff	Martin D. Garber, Director, FNS, Southwest Region Charles Herndon, Supervisor, CD Program Billy Wood, Assistant Supervisor, CD Program Harold Bryson, Chief, Information Division Ronny Rhodes, Information Division	

Western Region

Alaska	Richard Bradley	Dept. of Administration
Arizona	Arthur Borselli	Dept. of Education
	John Smotherman	Dept. of Public Welfare
California	W. A. Farrell	Dept. of Education
	Dave McCollough	San Diego County Public Welfare
	M. E. Robinson	Los Angeles County Purchasing & Stores
Guam	John Charfauros	Dept. of Education
	Pedro L. G. Santos	Dept. of Health & Social Services
Hawaii	Edith Kagawa	Dept. of Education

Idaho	Cecil F. Olsen	Dept. of Education
	Robert Sobelson	Dept. of Public Assistance
Montana	Joseph A. Buley	Dept. of Public Welfare
	Jack Koetter	Dept. of Public Instruction
Nevada	Lorraine Savini	State Purchasing Division
Oregon	Ramon Damerell	Office of General Services
	Richards Miller	Dept. of Education
American Samoa	L. M. Tuaolo	Dept. of Education
Saipan, Marinas Islands	Virginia Cruz	Office of the Commissioner
Utah	Leo H. Ericksen	Division of Mental Health
	Cluff Snow	Dept. of Education
Washington	Ena Simpson	Dept. of Public Instruction
	Richard J. Zook	Dept. of General Admin.
	Phyllis Palmer	Bureau of Indian Affairs
Wyoming	Truman Friday	Arapahoe & Shoshone Tribal Council
	Sidney Werner	Dept. of Education
Regional Staff	Charles M. Ernst, Director, FNS, Western Region Bernice Canata, Supervisor, CD Program Robert Kragh, Assistant Supervisor, CD Program	

The Secretary's Office

Richard E. Lyng, Assistant Secretary
Mr. Aaron M. Altschul, Special Assistant to the Secretary
William M. Seabron, Assistant to the Secretary for Civil Rights
Edward H. Koenig, Office of the Secretary
Ellen Russell, Office of the Secretary

USDA Administration

Fred Olmstead, Budget and Finance
Ben C. Hole, Budget and Finance

Office of the General Counsel

Helen E. Lutzen, Attorney, Commodity Stabilization Division

Office of the Inspector General

William F. Dickson, Deputy Assistant Inspector General
Harry A. Janzig, Office of Inspector General
Charles B. Landry, Office of Inspector General
Robert L. O'Brien, Office of Inspector General

Office of Management and Budget

Steven E. Satterfield, Budget Examiner

The Administrator's Office

Edward J. Hekman, Administrator
Howard P. Davis, Deputy Administrator
Leonard B. Pouliot, Deputy Administrator
Neill W. Freeman, Jr., Assistant Deputy Administrator
Isabelle M. Kelley, Assistant Deputy Administrator
Marvin M. Sandstrom, Assistant Deputy Administrator
Michael B. Crew, Assistant to the Administrator
Stephen J. Hiemstra, Assistant to the Administrator
William H. Hunter, Civil Rights Coordinator
Peter J. Shambora, Assistant to the Administrator

Commodity Distribution Division

Marvin M. Sandstrom, Acting Director
Jacob R. Idol, Deputy Director
Jim Greer, Acting Chief, Programming Branch
Charles M. McGuire, Chief, Operations Branch
Janet M. Akers
William L. Andrews
William T. Boyd
James E. Britton
Fay D. Carpenter
Phillip J. Christie
Joseph J. Coady
Kathleen E. Cockrum
Donald N. Cole
Stanley N. Davidson
Richard E. Dowling
Henry R. Dubois
Marvin M. Eskin
Robert Haspray
John S. Hitchcock
Jack R. Johnston
Hyman Laskin
Paula Linch
Martha Loughlin
Donald W. McCreary
James O. Melsby
Raymond J. Pelletier
Lester E. Powell
Victor Rodriguez
Virginia B. Ross
T. Weston Sampson
Marsha M. Schweitzer
Joseph H. Scordato
Robert L. Sheppard
Stuart H. Sutherland
Nancy M. Weik
James C. Westfall
Janet S. Wollam
Lyn Zimmerman

Food Stamp Division

James E. Springfield, Director
Vernon R. Morgan, Assistant to the Director
Robert M. Flory
Helen T. Thompson

Child Nutrition Division

Herbert D. Rorex, Director
Keith R. Keeley, Chief, State Agency Operations Branch

FNS Information Division

Philip V. Fleming, Director
Stanley A. Flower, Chief, Food Programs Branch
Doug Campbell
Joyce Letzler
Suzy Taxin
Ralph Vincent

Program Reporting Staff

Guy W. Carmack, Director
Olive G. Elison
Anneva C. Hackley
Jerome M. Stein

Technical Services Staff

Jackie Davis
Joan Luck
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W. Vincent Fowble, Director, Management Services Division
Arthur J. Holmaas, Director, Budget and Planning Division
Jerome F. Kennedy, Director, Finance and Accounting Division
Leroy A. Konz, Chief, Management Studies and Systems Branch,
Management Services Division

From Related USDA Agencies

George R. Grange, Acting Administrator, Consumer & Marketing Service
Carl C. Farrington, Deputy Assistant Administrator, Agricultural
Stabilization and Conservation Service
James V. Scala, Agricultural Stabilization and Conservation Service
Helen D. Turner, Deputy Assistant Administrator, Federal Extension Service
Elizabeth S. Crosby, Plentiful Foods Division, Consumer and Marketing Service
Joyce S. Short, Plentiful Foods Division, Consumer and Marketing Service

Special Guests

Dr. Thomas A. Jackson, The McLean (Virginia) Baptist Church, who gave the Invocation
Larry Bartlett, Director, School Lunch Program, Tennessee
Juan del Castillo
Ned Johnson, A. T. Kearney and Company
Mrs. Sophie Leavitt
William Oswald, A. T. Kearney and Company
Wendell M. Stewart, Vice President, A. T. Kearney and Company, Inc.
Jim Weekly, Quaker Oats Company
DeVoe Willard, President, National Peanut Council

Stenographers and Receptionists

Gail Brooks
Mary G. Davis
Brenda C. Hines
Carol Kaul
Gail Martin
Lynda S. Petrey
Eleanor Powell
Phyliss E. Weaver

APPENDIX C - INDEX TO THE RECOMMENDATIONS

Group I

1. Nutrition Education - State Nutritionist
2. Nutrition Education - Feedback from "Nutrition Workers"
3. Nutrition Education and Volunteer Activities
4. Improved Delivery Systems
5. Nationwide Standards of Eligibility
6. Simplified Eligibility Determination
7. Greater Variety of Foods
8. Expanded Variety of Donated Foods
9. Packaging of Foods
10. Summer Camps
11. Operating Expense Funds
12. Procedure for Getting Funds
13. Penalties for Vendors
14. Publicity
15. Racial/Ethnic Group Data Collection System

Group II

16. State-CD Communications
17. Commodity Assistance Level to Child Nutrition Programs
18. Federal Funding for Intrastate Distribution Costs
19. Food Form, Packaging, and Processing Contracts
20. Nonfat Dry Milk for Noncontiguous States
21. Cheese for Child Nutrition Programs - Section 709
22. Study of Donated Foods in Child Feeding Programs

Group III

23. Need Factor in Eligibility Determination of the Over-65 in Institutions

24. Increasing Foods Distributed to Nonprofit Institutions

25. Elimination of USDA Allocation Priorities for Institutions

26. Notification to Rail Carriers About Damaged Commodities

27. Re-evaluation of Institutional Distribution Rates

28. USDA Financial Assistance for Nonschool Feeding Programs

29. Annual Commodity Distribution Workshop

Group IV

30. Food Preference of Ethnic Groups

31. Convenience Foods for Ethnic Groups

32. Small Caseloads of Ethnic Groups

33. Continuation of Supplemental Food Program

34. Nationwide Establishment of Supplemental Food Program

35. 2-5 Age Group in Supplemental Food Program

36. Certification in Supplemental Food and Food Certificate Programs

37. List of Foods and Nutritional Value in Supplemental Food Program

38. Operating Expense Funds for Supplemental Food Program for Indians

39. Pilot Food Stamp Programs for Indians

40. USDA Guidelines for Man-Made Disasters

41. Regional Authority for Disaster Commodities in Food Stamp Areas

42. Commendation to Regions and Washington for Past Disaster Help

43. Issuance Record for Migrants

44. Certification by Annual Income for Migrants

45. Annual Commodity Conference

General

46. Reporting to the States About Workshop Recommendations

FROM DR. HOWARD E. BAUMAN

Warehouse Sanitation Control

Pillsbury

BEST
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WAREHOUSE SANITATION

Not only are millions of dollars worth of human food products destroyed annually due to contamination by insects, rodents, birds, etc., but, in addition, Federal Food and Drug (FDA) regulations are violated when food for human consumption is stored under unsanitary conditions whereby it may become contaminated or is contaminated.

The following warehouse sanitation practices are recommended as an aid in protecting the product from contamination, and thus reducing the possible loss of revenue.

1 Inspect all incoming product for possible insect, rodent, and other forms of contamination.*

Look for these signs of possible contamination:

a. live insects crawling on product containers,
b. insect trails in the dust on bags or cases,
c. mouse or rat pellets on product containers,
d. rodent gnawed bags,
e. undesirable odors,
f. stains on product containers.

2 Product storage conditions.

a. Store product on clean pallets. Do not store directly on floor. All emptied storage bays should be swept clean before being refilled with palletized product.

b. Leave an 18" floor space between pallets of product and the wall. Do not store pallets directly against wall.

c. Segregate animal feed from food for human consumption. Do not store dog food and other animal feeds adjacent to flour, bakery mixes, etc. Do not store flour and bakery mixes adjacent to such odorous items as onions, spices, kerosene, creosote, cleaners and sanitizers, etc.

d. Practice stock rotation. Use older stocks first. Frequently restack older stocks and carefully examine exterior of containers for signs of possible contamination.

e. Daily move all warehouse and/or railroad damaged product to a rework room or area set aside for this purpose. Any torn containers should be taped or otherwise closed to prevent the entrance of any contamination, and to prevent spillage from the container. Railroad salvage should be disposed of on a regular basis (10-14 days). Warehouse damage should be disposed of in accordance with existing Food and Drug regulations, at least every 10-14 days.

3 Stored product insect control.

a. Warehouse fogging.

During the warm summer months, fog the warehouse weekly using an approved pyrethrin type insecticide diluted with an odorless, stainless oil.
Caution: Do not use more than one gallon of material per 50,000 cubic feet of space.

b. Spraying:

At least three times during the summer months, spray all floor areas (including floor area when storage bays become empty) and wall surfaces with an approved pyrethrin insecticide diluted with water.

Insect control service may be secured from a local licensed pest control company if equipment or material is not available. However, this does not waive any of the warehouseman's responsibility under the Food and Drug Law.

4 Rodent Control.

a. Keep weeds and high grass from growing on the property immediately adjacent to the warehouse perimeter.

b. Do not allow scrap wood or other debris to collect on outside perimeter of premises.

c. Place an adequate number of rodent bait boxes, containing anticoagulant type rodenticide, on the exterior and perimeter of the warehouse. Service these boxes at least each two weeks.

d. Rodentproof the building by sealing holes through which rodents may enter.

e. Place an adequate number of snap type and/or wind-up type rodent traps at strategic locations throughout the interior of the warehouse.

Rodent control service may be secured from a local licensed pest control company if materials and equipment are not available. However, this does not waive any of the warehousemen 's responsibility under the Food and Drug Law.

5 General sanitation practices.

a. Near the close of each operating day, sweep or dust mop floor area, paying particular attention to floor space between the wall and pallets of product and other "hidden corners".

b. Do not allow scrap wood, paper, and other debris to accumulate.

c. A thorough sanitation inspection of the entire premises should be made at least weekly by a responsible employee.

d. Instruct all employees to be aware of potential sanitation problems.

e. When products are returned from the trade, segregate such products in an area walled off from the main warehouse or in a separate building. Careful inspection should be made for any contamination of the product and disposition made in accordance with existing applicable Food and Drug regulations.

f. Keep doors closed as much as possible in order to exclude birds. Destroy any bird nests found on the premises.

6 Fumigation.

Since any material used for fumigation is highly dangerous to human life, a local licensed pest control company should be contacted if the need arises for fumigation of any commodity.

THE FOREGOING RECOMMENDATIONS ARE PREPARED AND PRESENTED BY THE PILLSBURY COMPANY AS AN AID IN PROVIDING THE CONSUMER WITH THE HIGHEST QUALITY FOODS POSSIBLE .

Immediately contact your Pillsbury salesman for instructions in handling boxcars found to be infested upon arrival.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.1
PAGE 1
DATE March 30, 1971
REVISION NO.

SUBJECT
PREVENTING DISTRIBUTION OF CONTAMINATED PRODUCTS

These instructions outline the steps which must be taken and followed in order to prevent any contaminated goods from entering food channels.

I. PROCEDURE

A. Pillsbury products

1. Pillsbury products will not be stored in any warehouse unless the sanitation conditions have been approved by the Environmental Biology Dept., Corporate Quality Assurance.

2. A sanitation inspection will be made at all plants, warehouses or other facilities prior to their being utilized to produce or store grocery products.

   NOTE: Available check lists for sanitation inspections can be obtained from the Environmental Biology Dept.

3. Completed sanitation inspections and/or check lists should be forwarded to the Environmental Biology Dept., Corporate Quality Assurance for final approval.

4. Any Grocery Products Company activity requiring emergency storage arrangements must in advance notify the Environmental Biology Dept., giving the name and location of the plant or warehouse to be used and the probable duration and type of utilization proposed.

5. All contracts covering storage or handling of Grocery Products owned merchandise should specify that the merchandise will be protected against all forms of contamination including, but not limited to, insect infestation, defilement or damage by rodents or birds, pesticide residues, microbiological contamination and that the manufacture and storage will comply with all applicable provisions of the Food, Drug and Cosmetic Act.

B. Inspection of Grocery Products facilities & products in storage

1. A sanitation inspection and, where applicable, a sanitation check list will be filled out at periodic intervals by qualified Grocery Products personnel in all primary and secondary warehouses or any other location where Grocery Products goods are stored, the title to which is held by Pillsbury.

2. When Grocery Products goods in any primary, secondary or public warehouse are checked by any Federal, State or local Food and Drug inspector, then the owner, manager, or agent in charge of the facility must immediately notify by telephone the Grocery Products manager responsible for the products in the warehouse and/or the Environmental Biology Dept.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.1
PAGE 2
DATE March 30, 1971
REVISION NO.

SUBJECT PREVENTING DISTRIBUTION OF CONTAMINATED PRODUCTS

3. Any manager who has been so advised of the Food and Drug inspection will immediately contact the Environmental Biology Dept., Corporate Quality Assurance, Hdqtrs., Mpls.

4. Grocery Products goods will not be shipped to any jobber warehouse, or any other secondary warehouse, when it is known that products in the warehouse have "become contaminated while being held for sale" until the sanitary conditions are thereafter approved by the Environmental Biology Dept.

C. "Holding" of contaminated product

1. When any inventory of Pillsbury products is inspected by Federal, State or Local Food and Drug inspectors, a member of the Environmental Biology Dept., a member of the Quality Assurance Dept., or by any other Pillsbury representative and the inventory is found to contain evidence of contamination then the employee with custody of the inventory:

   a. will immediately place a conspicuous "HOLD-DO NOT SHIP" sign on the inventory involved and will make no more shipments from the remaining inventory,
   b. will determine if any shipments have been made from the contaminated inventory and immediately so advise the Environmental Biology Dept., Corporate Quality Assurance,
   c. will examine all other products in proximity to the product in question or having any relationship to the product in question.

2. The employee with custody of the inventory will immediately decide whether the contaminated product is to be:

   a. held until disposition is approved by the Environmental Biology Dept., Corporate Quality Assurance and/or Law Dept.

   or

   b. destroyed or removed from food channels by methods approved by the Environmental Biology Dept., Corporate Quality Assurance and/or Law Dept.

3. If the decision is to "hold" the merchandise, then the following information will be immediately forwarded to the proper Hdqtrs. Manager and the Environmental Biology Dept. by phone:

   a. type of contamination involved (including, not not limited to, insects, rodents, birds, bacteria, etc.),
   b. the relative quantity, amount or degree of contamination observed on the product,
   c. the quantity of product involved and its age as indicated by the code date,
   d. the approximate length of time it has been in storage.
   e. the name of the supplying plant, if such is the case,

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	2.1
PAGE	3
DATE	March 30, 1971
REVISION NO.	

SUBJECT
PREVENTING DISTRIBUTION OF CONTAMINATED PRODUCTS

f. the requested information on shipments which may have been made from the inventory,
g. proposed disposition of the contaminated material,
h. if necessary, representative samples of the contamination will be requested to be obtained in the proper manner and placed in suitable containers to be forwarded for analysis by the Environmental Biology Dept.

II. DEPARTMENTAL RESPONSIBILITIES

A. Environmental Biology Dept., Corporate Quality Assurance

1. Will immediately have all samples received from the suspected inventories analyzed upon receipt of the samples.

2. Will notify the proper product distribution authorities as to the results of analyzing the products.

3. Will keep the Law Dept. informed of all individual situations and the case histories concerning contaminated products.

4. Will consult with the divisional quality assurance personnel to determine whether to hold the products having one of the following relationships with the contaminated products:

   a. stored in the same area with the contaminated materials,
   b. containing the same "contaminated" ingredient,
   c. manufactured on the same equipment prior to or just after the product in question,
   d. received in the same car or truck.

5. Will consult with the appropriate divisional and distribution personnel:

   a. to assure that the suspected contaminated goods are handled in accordance with existing Food and Drug statutes and in accordance with approved methods,
   b. to determine what extent the manufacturing or distribution of the product should be stopped and advise disposition of same,
   c. to determine the extent to which the use of the products in the hands of customers should be stopped pending investigation and ultimate disposition.

Pillsbury

GROCERY PRODUCTS COMPANY

DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.2
PAGE 1
DATE March 30, 1971
REVISION NO.

SUBJECT HOUSEKEEPING AND PEST CONTROL IN WAREHOUSES

These instructions outline the steps which must be taken and followed by warehousemen in order to prevent infestation by insects, rodents or birds.

I. GENERAL WAREHOUSE SANITATION

A. Handling of inventory in warehouse

1. A space of at least 18 inches must be left between the wall and tiers of product.
2. Adequate aisle and space between tiers must be planned so that forklift operations do not damage the stocks in the daily handling procedures.
3. When each lot of product is received, it must be placed in a clean bay or warehouse area.

   NOTE: It is important that all stocks be rotated in accordance with good warehousing procedures.

B. Prevention of accumulations of dirt

1. If during a "cube" unloading operation a case or package is damaged in the unit load, it must be temporarily taped or fixed in such a manner that when the cube load is taken to a bay, a trail of product is not left on the floor.
2. The salvage area must be in an isolated location in the warehouse.
3. The entire floor area, including the "hard to get" places, must be cleaned in a satisfactory manner at least once a week, or more frequently if necessitated by dust accumulation and product spillage.
4. The salvage area must be cleaned daily when the normal salvaging operations have been completed.
5. The overhead must be checked periodically, and cleaned as needed.
6. When the overhead is being cleaned, any product located directly below must be adequately covered to protect the product from dust.
7. The pallets used in the warehouse must be clean at all times.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.2
PAGE 2
DATE March 30, 1971
REVISION NO.

SUBJECT
HOUSEKEEPING AND PEST CONTROL IN WAREHOUSES

C. Cleaning equipment

1. Minimum inventory:
    a. floor brooms, hand brushes, etc.
2. Optional equipment:
    a. power operated sweeper - the model to be determined by the size and operation of the warehouse,
    b. power operated wet scrubber - the necessity for this type unit and the model to be determined by the size and nature of material to be picked up in the warehouse.
3. Specific recommendations concerning manufacturers of cleaning equipment and material may be obtained from the Environmental Biology Dept.

II. CONTROL OF STORED PRODUCT INSECTS

A. Inspection of incoming product

1. All incoming product must be inspected for the presence of any "stored product insects", all those which are pictured and described in Instruction 3-1, Appendix C, entitled "Description of Insects which might be found in Boxcars".
2. Any boxcar or truck lot shipment observed to have insects crawling on the containers or in the transit vehicle must be handled in accordance with Instruction 3-1 entitled "Inspection of Incoming Boxcars or Trucks upon Arrival at a Warehouse and Disposition of Damaged or Contaminated Merchandise and Vehicle".

B. Housekeeping

1. Strictly adhere to general warehouse sanitation instructions outlined in paragraphs 1-A and B of this instruction.

C. Spraying

1. As a bay is cleared of stock, the floor must be swept and then sprayed with an insecticide on a regular rotation basis so that the warehouse will have a treatment at the beginning of the warm season in the spring and once again about midsummer.
2. The insecticide must be sprayed on all floor surfaces, wall surfaces and the cracks and crevices of the pallets at least twice a year, early spring and midsummer.
3. Do not use the insecticide on floors unless all stocks are placed on pallets or on cardboard sheets. No food container should be placed directly on the insecticidal treated surface.
4. The approved insecticide to be used is a pyrenone spray diluted at a rate of one part concentrate to six parts water or oil.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.2
PAGE 3
DATE March 30, 1971
REVISION NO.

SUBJECT HOUSEKEEPING AND PEST CONTROL IN WAREHOUSES

D. Fogging the warehouse

1. During the summer months when the temperature of warehouse stock is above 60° F., the warehouse must be fogged weekly with pyrenone in oil at the close of the week's work period.

2. Fogging is defined as the dispersion of a micronized or smoke generated insecticide mixture into the atmosphere that will engulf all of the product within the storage area.

   NOTE: Air operated micronizing units or thermal fogging units may be used to disperse the insecticide; however, the air operated micronizing units are preferred. Aerosol "bombs" are not considered sufficient to effectively fog warehouse storage areas.

3. The micronized material must be used at a rate of at least one quart, but not to exceed one gallon, per 50,000 cubic feet of space.

4. Recommended toxicant: one part concentrate (11.8% piperonyl butoxide and 1.18% pyrethrins) mixed with four parts odorless, stainless oil.

E. General fumigation

1. If a building becomes heavily infested with insects, it is essential that the entire warehouse, plus stocks, be given a general fumigation.

2. A general fumigation is specialized work and must be done only by experts in the field.

3. The Environmental Biology Dept., Minneapolis will determine the necessity for a general fumigation.

   NOTE: Do not attempt a general fumigation of a warehouse with warehouse employees.

F. Use of cold storage

1. Sometimes an older lot consisting of a few cases or bags may have an occasional insect crawling on the container.

2. These few containers can be placed in cold storage, if available, for a period of at least seven days.

3. Most stored product insects will be killed at temperatures of zero degrees.

   NOTE: If flour of a temperature of 75° is placed in cold storage at zero degrees, the temperature within the flour will equalize at approximately four degrees above zero within a five day period.

Pillsbury

GROCERY PRODUCTS COMPANY

DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.2
PAGE 4
DATE March 30, 1971
REVISION NO.

SUBJECT
HOUSEKEEPING AND PEST CONTROL IN WAREHOUSES

G. Small lot fumigation

1. If cold storage is not available, small lots may be placed in tight boxcars and fumigated.
2. Some warehouses may be equipped with fumigation vaults specifically designed for small lot fumigation.
3. This type of fumigation is a procedure which should be handled only by experts and must not be attempted by the warehouseman or his personnel unless they have specific instructions from the Environmental Biology Dept., Mpls.

H. Recommended insect toxicants & application devices

1. A pyrenone concentrate (11.8% piperonyl butoxide and 1.18% pyrethrins) diluted with odorless, stainless oil will be utilized in fogging and spraying warehouse areas. Contact the Environmental Biology Dept. for recommended supplier.

   NOTE: Not more than one gallon of fogging mixture should be used for 50,000 cubic feet when fogging.
2. A thermal aerosol unit can be used for dispensing micronized particles of fog in the warehouse or in boxcars.
3. Compressed air operated foggers can be used for dispensing micronized particles of fog in those areas where compressed air is available. This method is recommended wherever possible.
4. A power sprayer with a 12 gallon capacity tank, powered preferably with gasoline engine.
5. Dust masks must be provided for those individuals using the fogging devices. Contact the Environmental Biology Dept. for recommended types and suppliers.

III. CONTROL OF MISCELLANEOUS INSECTS

A. Roach control

1. If any warehouse becomes faced with a roach problem, contact the Environmental Biology Dept., Minneapolis for advice on specific control measures which can be taken.

B. Fly control

1. If flies become a problem in office areas, at the end of the working day fog the area with pyrenone, the concentrate being diluted nine parts oil to one part concentrate.
2. If flies become troublesome in lunch rooms and other areas, fog as above. However, all food and food dispensing equipment must be covered prior to dispensing the toxicant.
3. Garbage cans should be kept sprayed with pyrenone.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.2
PAGE 5
DATE March 30, 1971
REVISION NO.

SUBJECT HOUSEKEEPING AND PEST CONTROL IN WAREHOUSES

4. Lavatories should be fogged with pyrenone at the close of the working day utilizing the same concentration as indicated above.

IV. RODENT CONTROL

A. Perimeter control measures

1. Keep weeds and high grasses from growing on the property immediately adjacent to and surrounding the warehouse.

2. In the spring of the year use a soil sterilant on the railroa tracks and waste areas to prevent the growth of vegetation.

3. If a portion of the perimeter area is lawn, keep it well mowed to prevent excessive growth of vegetation.

4. Establish a program for immediate removal of trash, junk and/or garbage from the areas adjacent to and surrounding the warehouse.

5. All holes into the building through the walls at or near ground level must be repaired with either sheet metal or concrete.

6. All doors into the warehouse must be tight-fitting in their frames and should fit snugly against the warehouse floor.

7. Rodent bait stations should be utilized at the edges of the property where rodents are prone to migrate toward the warehouse from surrounding infested areas.

8. The rodent bait stations must contain liquid and/or meal type baits containing only anticoagulant type poisons.

9. The rodent bait stations must be staked down and provided with a hasp, staple and padlock to prevent tampering with by children or irresponsible individuals.

10. Rodent bait stations must be placed at strategic locations around the base of the warehouse buildings, particularly under or adjacent to dock areas.

11. A rodent guard consisting of an eight inch wide metal band can be installed around the base of the building, approximately three feet off the ground, thus preventing rodents from climbing up the foundation into the building.

12. Rodent burrows (if present) should be treated with Cyanogas A Dust using a dust gun.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	2.2
PAGE	6
DATE	March 30, 1971
REVISION NO.	

SUBJECT
HOUSEKEEPING AND PEST CONTROL IN WAREHOUSES

B. Interior control

1. Establish Ketch-All mouse traps and/or snap type traps along the walls of the warehouse.
2. Place Ketch-All mouse traps on either side of unloading doors.
3. Batteries of at least four to six snap type traps with expanded triggers may be utilized in place of Ketch-All mouse traps:
    a. each snap trap should have a trigger expanded with a very thin sheet metal or cardboard so that the wire loop snap will barely clear it,
    b. wooden or metal snap traps must be placed at right angles to the wall with triggers adjacent to the wall.
4. Areas where rodent activity is noted should be saturated with baited traps:
    a. never set as few as six or ten traps but rather saturate the entire area with 100 or more mouse traps and/or 50 or more rat traps,
    b. partially congealed bacon grease or peanut butter are the recommended baits for trapping mice.

    NOTE: It is important that the bait be placed exactly in the center of the expanded trigger for best results.
5. Ketch-All mouse traps can also be used inside track areas and adjacent to overhead track doors. These traps have an advantage over the snap type traps since they are capable of trapping more than one mouse without being reset.
6. Supplies of Ketch-All mouse traps and metal traps may be obtained by contacting the Environmental Biology Dept.

C. Poisons banned in Pillsbury warehouses

1. Never permit the use of metallic poisons such as strychnine, phosphorous, thallium or thallium sulfate in or around any building where Pillsbury products are stored.
2. A rodenticide known as 1080 must never be used in any building where Pillsbury products are stored.
3. The use of tracking powders such as DDT dust is prohibited in a warehouse for the control of rodents.

    NOTE: This does not preclude the use of a non-toxic dusting powder used for the sole purpose of determining the presence of rodents.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	2.2
PAGE	7
DATE	March 30, 1971
REVISION NO.	

SUBJECT HOUSEKEEPING AND PEST CONTROL IN WAREHOUSES

4. The use of anticoagulant type poisons in the form of wax cake blocks is prohibited in and around any Pillsbury operated warehouse.

5. The use of foam-type rodenticides in or around the warehouse is prohibited.

6. In contracting outside pest control companies for performing rodent control measures, it is necessary to obtain a guarantee that the above mentioned materials will not be utilized in the rodent control measures. It should be understood and written in the contract that it becomes null and void if any of the above listed materials are used in the warehouse.

D. Rodent fumigation

1. During the fall or winter months of the year, rats and mice may attempt to migrate into the warehouse. It may become necessary to perform a fumigation to rid the premises of the infestation.

2. Fumigation for the control of rodents is specialized work and must only be done by experts in the field.

3. Notify the Environmental Biology Dept. immediately if there is a sudden increase in the activity of rodents in and/or around the warehouse buildings.

E. Use of blacklight

1. The blacklight will be utilized in checking for rodent urine stains to determine if stock has been contaminated by rodents.

2. Dried rodent urine will fluoresce bluish-white to yellow-white -- a fresh stain will be more bluish in color.

3. Any contaminated product found must be disposed of as indicated in VI-D.

V. BIRD CONTROL

A. Preventive measures

1. If windows and/or skylights are present in single- or multi-story warehouses, they must be screened adequately to prevent the ingress of birds.

2. In situations where warehouses are bothered with birds roosting, nesting and/or resting over or around stocks of Pillsbury products, the Environmental Biology Dept. will furnish specific instructions on the elimination of the pests.

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.2
PAGE 8
DATE March 30, 1971
REVISION NO.

SUBJECT
HOUSEKEEPING AND PEST CONTROL IN WAREHOUSES

VI. DISPOSITION OF DAMAGED PRODUCTS

A. Warehouse damage

1. Damaged product resulting from careless forklift operations, tears due to rough pallets or nails in pallets must not be permitted to enter trade channels in a damaged condition.

2. Broken containers should be taped to prevent spillage and exposed stock or removed from the stack immediately.

3. Taped containers must be removed and recoopered as soon as practical.

4. Spillage should be cleaned up immediately.

5. Damage is to be reconditioned in the same manner as outlined for the reconditioning of railroad damage, setting aside those units which cannot be salvaged. These units must either be stamped with indelible ink on the top, front and back of each individual package with the word "salvage" or the product must be removed from its original package and dumped into large bags for sale as "Scrap Product - Unfit for Human Food".

6. Do not include warehouse damage with transit damaged product.

7. Specific instructions for the reporting and disposition of warehouse damaged products will be arranged individually at each warehouse location.

B. Damage which occurred at production facility

1. At those warehouses located at plant production locations, damaged merchandise which was damaged during loading of the shipment will be returned to the plant.

2. At other warehouse operations, this damage is to be included with the warehouse incurred damaged goods and reconditioned in the same manner as warehouse damaged goods.

3. Do not include damage of plant origin with the railroad damaged products.

C. Insect infested product

1. Product found to be infested with insects must be disposed of as follows:

   a. hauled to a sanitary land fill where it is to be crushed, buried and witnessed by a Pillsbury employee,
   b. cut up and put into dumpsters or other trash receptacles that are used for solid waste disposal,
   c. package contents dumped into unlabeled containers and then marked as "Unfit for Human Food".

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	2.2
PAGE	9
DATE	March 30, 1971
REVISION NO.	

SUBJECT
HOUSEKEEPING AND PEST CONTROL IN WAREHOUSES

2. The insect infested product marked "Unfit for Human Food" can be sold for industrial purposes or for animal feed if a letter or affidavit from the purchaser is obtained to the effect the product will be used for purposes other than human food, and the purpose for which it will be used is clearly stated.

NOTE: A copy of the affidavit is attached.

D. Rodent or bird contaminated product

1. Product found to be rodent contaminated by pellets, urine stains or chewing or bird contaminated must be immediately reported to the Environmental Biology Dept. and the Manager, Distribution Warehousing Operations.

2. Special instructions will be issued by the Environmental Biology Dept. for the handling and disposition of rodent or bird contaminated products.

APPENDIX A

Date ______________________

AFFIDAVIT FOR DISPOSITION OF PILLSBURY PRODUCTS MARKED "UNFIT FOR HUMAN FOOD"

The undersigned has received and certifies the product(s) listed below and marked "UNFIT FOR HUMAN FOOD" will not be allowed to enter human food channels but will be diverted to other than human food use in accordance with all applicable provisions of the Food, Drug and Cosmetic Act of 1938 with Amendments.

Quantity	Product code	Description	Production code

Signed by ______________________

Witnessed by ______________________
Pillsbury Representative

APPENDIX B

Date ____________________

AFFIDAVIT FOR DISPOSITION OF PILLSBURY PRODUCTS MARKED "UNFIT FOR FOOD"

The undersigned has received and certifies the product(s) listed below and marked "UNFIT FOR FOOD" will not be allowed to enter food or feed channels but will be diverted to other than food or feed use in accordance with all applicable provisions of the Food, Drug and Cosmetic Act of 1938 with Amendments.

Quantity	Product Code	Description	Production Code

Signed by ____________________________

Witnessed by ____________________________
Pillsbury Representative

Pillsbury

GROCERY PRODUCTS COMPANY

DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.4
PAGE 1
DATE March 30, 1971
REVISION NO.

SUBJECT HANDLING AND/OR RELEASING OF PRODUCT IN WHSE. INVENTORIES

These instructions outline the necessary communication channels for holding and/or releasing products at field warehouse locations when requested by Corporate Quality Assurance, Environment Biology Dept. or Federal and State regulatory personnel.

I. PERSONNEL REQUESTING HOLD

A. Corporate Quality Assurance, Environmental Biology Dept.

1. Authorization for the holding or releasing of products in inventory at field warehouse locations must be channeled directly from the manager of the company distribution warehouse operations as follows:
   - a. Agri-Products Company: Director, Distribution and Production Control,
   - b. Grocery Products Company: Manager, Distribution Warehousing Operations.
2. Any time it is requested or suggested that a product, or products, be placed on hold by someone other than a member of Grocery Products or Agri-Products distribution, this fact must be immediately communicated to the appropriate manager as specified in (1) above.
3. The information transmitted to the manager, as specified in (1) above, concerning the material(s) requested to be placed on hold must include the following:
   - a. manufacturing code date(s),
   - b. product code(s),
   - c. quantity(ies),
   - d. person(s) requesting the hold.
4. Some reasons for requesting products to be held include, but are not limited to, deviations from quality or sanitary standards, off weight or out of date. Regardless of whether or not a reason is given for the request to hold a product, the manager as specified in (1) above must be immediately notified of all such requests.
5. Products on hold are not to be released by anyone other than the individual who placed those products on hold.

   NOTE: Immediately notify the manager as specified in (1) above when the individual requesting release of a held product is not the same person who originally authorized the material to be placed on hold.

B. Federal or State regulatory personnel

1. Immediately notify the Environmental Biology Dept., Corporate Quality Assurance, by phone.
2. Consult distribution warehouse sanitation instructions 1.1, "Inspection by Food & Drug Personnel", and 2.1, "Preventing Distribution of Contaminated Products", and comply with these instructions.

Pillsbury

GROCERY PRODUCTS COMPANY

DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	2.5
PAGE	1
DATE	March 30, 1971
REVISION NO.	

SUBJECT DISPOSAL AND DESTRUCTION OF PRODUCT - CONDEMNED, OUT-OF-DATE OR DISCONTINUED

These instructions outline the procedures to be followed in the disposal and destruction of product from warehouse inventories not included in sections of this manual covering handling of carrier damage and warehouse damage. It does cover the destruction of products that would jeopardize the sales effort if they were allowed to get into trade channels. They also cover destruction of products where a hazard to the consumer is involved. This procedure does not cover product donated to charitable organizations.

I. AUTHORIZATION FOR DESTRUCTION

A. Grocery Products Company

1. Authorization to destroy grocery products must be in writing with a copy to the Manager, Distribution Warehousing Operations and receipt confirmed by the warehouse.
2. An expense account number must be furnished at the time destruction is authorized.

B. Agri-Products Company

1. Authorization for destruction of Agri-Products merchandise is the responsibility of the warehouse coordinator. He will transmit an order giving complete disposition of the product involved.
2. A charge number will be placed on the transmitted order. Any salvage recovery should be credited to the charge number and, similarly, any expenses incurred should be written off using this number.

C. Environmental Biology Dept.

1. Any member of the Environmental Biology Dept. can, on his routine inspections, order the destruction of products found to be contaminated and which pose a hazard to the consumer.
2. When grocery products are involved, the inspector must communicate to the Manager, Distribution Warehousing Operations (with copy to Distribution Accounting Manager) the quantities and codes of the product involved and the reason for ordering it destroyed.
3. When Agri-Products merchandise is involved, the inspector must communicate to the warehouse coordinator (with a copy to the Director, Distribution & Production Scheduling Control) the product codes, quantities involved, and reasons for ordering disposition of the product.

II. CLASSIFICATION AND METHODS OF DISPOSAL OF PRODUCTS COVERED BY THIS PROCEDURE

A. Product classification

1. Contaminated product which is insect infested or rodent or bird defiled.
2. Inferior quality product.
3. Old age product which has gone beyond the condemnation date.
4. Discontinued products which have been ordered destroyed.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	2.5
PAGE	2
DATE	March 30, 1971
REVISION NO.	

SUBJECT DISPOSAL AND DESTRUCTION OF PRODUCT - CONDEMNED, OUT-OF-DATE OR DISCONTINUED

B. Means of disposal: Grocery Products

1. Product to be destroyed must be defaced to the extent that it could not possibly fall into human food channels.

2. Acceptable means of destruction are:

   a. by pouring oil (fish oil, crankcase oil, etc.) over product, making sure that entire contents of each case of product is covered,
   b. by bulldozer at a sanitary land fill provided product is type that running over it with a bulldozer will destroy it. (A pouch pack would not be in this category)
   c. by punching holes through shipping container (with rod, screwdriver, etc.),
   d. by breaking open packages and dumping contents into a large container (multiwall bag, barrel, etc.) which is labeled "Scrap Product - Unfit for Food". (If product so labeled is sold, signed affidavit from buyer must be obtained; see Instruction 2.2, Appendix B).

3. Destruction of product in the above categories is the responsibility of the manager and must be witnessed by him or an individual in a supervisory capacity appointed by him from the warehouse.

4. When the loading order covering the destruction is processed (and this should be done as soon as possible so that inventories can be properly adjusted), a notation should be placed on the front of the loading order stating who originally authorized destruction, charge number used, and attesting to the fact that destruction was witnessed. The statement must be signed by the supervisor present at the destruction.

C. Means of disposal: Agri-Products

1. Disposition of Agri-Products merchandise that is classified as unfit for human consumption yet salable as animal feed by authorization of the warehouse coordinator:

   a. off grade, out-of-date, or discontinued product will be sold as animal feed by proper marking of the package and securing the proper affidavit from the buyer that the product will be used as animal feed and not for human consumption,
   b. the above instruction does not apply to case goods unless specific authorization is secured from the warehouse coordinator,
   c. contaminated product approved for animal feed by the Environmental Biology Dept. will also follow the above means of disposal.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 2.5
PAGE 3
DATE March 30, 1971
REVISION NO.

SUBJECT DISPOSAL AND DESTRUCTION OF PRODUCT - CONDEMNED, OUT-OF-DATE OR DISCONTINUED

2. Product that is classified as unfit for human or animal food must be destroyed:

   a. by bulldozer at a sanitary land fill provided product is type that running over it with a bulldozer will destroy it (a pouch pack would not be in this category),
   b. by breaking open packages and dumping contents into a large container (multiwall bag, barrel, etc. which is labeled "Scrap Product - Unfit for Food". (If product so labeled is sold, signed affidavit from buyer must be obtained; see instruction "Housekeeping and Pest Control in Warehouses, Appendix B").

3. Destruction of the product is the responsibility of the warehouse manager and must be witnessed by him or another warehouse employee appointed by him.

4. Authorization to destroy product will take the form of a loading order and will be signed by the person witnessing the destruction. A copy of the signed loading order should then be sent to the warehouse coordinator.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	3.1
PAGE	1
DATE	March 30, 1971
REVISION NO.	

SUBJECT INSPECTION OF INCOMING BOXCARS & TRUCKS UPON ARRIVAL AT A WAREHOUSE & DISPOSITION OF DAMAGED OR CONTAMINATED MERCHANDISE AND VEHICLE

These instructions outline the standard procedures to be followed in inspection of inbound carriers upon arrival at a warehouse, the disposition of damage from transit origin and the disposition of vehicles found to be infested with insects, rodents or other forms of contamination.

I. INSPECTION OF INBOUND CARRIERS

A. Inspection of door seals

1. Every incoming carrier should be carefully examined to determine if doors are intact and untampered with upon arrival at the warehouse.
2. The seal numbers are to be recorded on the receiving report.
3. Any broken seals, or seals which have been in any way tampered with, should be noted as such on the receiving report

B. Inspection of product for possible insects and/or rodent infestation

1. Immediately after the doors are opened, examination should be made of the vehicle to detect any presence of insects crawling on the exterior of the product.
2. The loaded commodity should be examined on each side of the load, midway between the door and the end of the car or truck.
3. An examination should be made of the floor area adjacent to the door post which will normally reveal the presence of insects or rodents if they originate in accumulations behind the grain side liner near that area.
4. With the advent of cold weather in the fall of the year, it is important to inspect the product for any evidence of rats and mice.
5. If the inspection discloses nothing, then the unloading operation can commence.
6. The unloading personnel must be familiar with the insect and/or rodent signs commonly found in a vehicle and, if noted, their immediate supervisor should be so informed.
7. Signs of possible contamination may consist of:
    a. live cereal or grain insects on the bags along the floor of the car or truck,
    b. mouse or rat pellets on the product or on the floor,
    c. rodent gnawed bags,
    d. evidence of nesting or nests being constructed in among bags or cases of product.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	3.1
PAGE	2
DATE	March 30, 1971
REVISION NO.	

SUBJECT INSPECTION OF INCOMING BOXCARS & TRUCKS UPON ARRIVAL AT A WAREHOUSE & DISPOSITION OF DAMAGED OR CONTAMINATED MERCHANDISE AND VEHICLE

8. After a boxcar is unloaded, a check of the coopering paper around the base of the side liners and end liners should be made to determine if any rodent gnawed areas are present.

NOTE: As a general rule, the exact spot where the rodent has left the car lining to get into the product can be determined by the hole in the coopering paper where the rodent has gnawed through.

C. Inspection for undesirable odors

1. Immediately after the doors are opened, the inspector should enter the vehicle and attempt to determine the presence of any undesirable odors.

2. No boxcar should be accepted if any obnoxious odors, such as paint, oil, potatoes, musty, moldy or decomposed materials are detected.

D. Damaged merchandise

1. If damaged merchandise is found in a car, the railroad agent must be notified at once and given an opportunity to verify the damage.

2. In all cases, the warehouse must secure a notation of damage in the car from the railroad agent to be noted on the freight bill or the OS&D report.

E. Handling of refused boxcars (other than assigned cars)

1. When any loaded car arrives with evidence of insect infestation, rodent contamination, obnoxious or deleterious odor, or any other form of contamination, the railroad agent must be notified and given an opportunity to inspect the car.

2. The car should then be refused to the railroad and the Mpls. Claims Dept. and Environmental Biology Dept. should be immediately notified by teletype or telephone.

NOTE: In addition to notifying the Claims Dept. and Environmental Biology Dept., the Purchasing Dept. is also to be notified if the boxcar is from a supplier other than Pillsbury.

3. The Mpls. Claims Dept. and/or Environmental Biology Dept. will instruct the carrier and the warehouse as to final disposition of any refused boxcars and the merchandise therein.

4. No boxcar or truck is to be returned to any plant or warehouse of the Pillsbury Company without express authority from the Mpls. Claims Dept.

5. No car will be fumigated by Pillsbury personnel at a warehouse or any disposition made of infested products by Pillsbury employees unless specifically authorized by the Mpls. Claims Dept. and/or Environmental Biology Dept.

6. No shipping instructions are to be given verbally or in any written form by warehouse employees regarding any boxcar or truck refused to the carrier because of any evidence of contamination or other conditions which may be violative of any Food and Drug law unless specifically authorized by the Mpls. Claims Dept.

F. Handling of assigned equipment

1. If a piece of assigned equipment arrives at a warehouse infested, or allegedly infested, with insects, rodents, etc. do not reject to, or notify, the railroad.
2. Wire the following people at Mpls. Hdqtrs. at once:

   a. Claims Dept.,
   b. Environmental Biology Dept.,
   c. Traffic Dept.,
   d. appropriate Company Distribution Managers.

   Advise the condition, routing, etc. of the car and disposition will be given.
3. Depending upon circumstances surrounding the previous movements of the car involved, disposition will be to either accept the car at destination or return it to the shipping poi
4. If circumstances direct that the incident is a railroad claim, then the car will be refused to the railroad at destination and disposition will be given by Mpls. Claims Dept.
5. If it is for our own account, we will not notify or refuse to the railroad. However, the Mpls. Claims Dept. will still give disposition.
6. Disposition in all instances must come from the Mpls. Claims Dept.

G. Handling of trucks

1. When any loaded truck arrives with evidence of insect infestation, rodent contamination, obnoxious or deleterious odor, or any other form of contamination, the trucking concern must be notified and given an opportunity to inspect the truck.
2. The Mpls. Claims Dept., Environmental Biology Dept. and distribution manager of the appropriate company should be immediately notified by teletype or telephone. The Claims Dept. and/or Environmental Biology Dept. will instruct the carrier and the warehouse as to final disposition of any refused trucks and the merchandise contained therein.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 3.1
PAGE 4
DATE March 30, 1971
REVISION NO.

SUBJECT INSPECTION OF INCOMING BOXCARS & TRUCKS UPON ARRIVAL AT A WAREHOUSE & DISPOSITION OF DAMAGED OR CONTAMINATED MERCHANDISE AND VEHICLE

II. DISPOSITION OF INBOUND RAILROAD DAMAGE

A. General instructions for handling of railroad damage

1. Management should discuss the following items with the local railroad agent:

   a. method of reporting damage,
   b. inspection and/or waiving of inspection of damage; whether he desires to inspect before or after unloading,
   c. the method of maintaining identity of merchandise to be rejected,
   d. the frequency and manner in which the damaged merchandise should be delivered to or picked up by the railroad, if such is the case,

   NOTE: All railroad damage should be picked up or handled at least every two weeks.

   e. the manner in which notations of damage will be obtained from the railroad agent.

2. Care must be exercised to insure that damage occurring in the warehouse does not become commingled with the damage of transit origin.

B. Damaged products handled at distribution warehouses

1. Where cases or bales are damaged, individual packages must be removed from the damaged case or container and individually inspected.

2. Those packages or units which are not damaged can be accepted and placed in warehouse stock.

3. If a carton or sack is broken open exposing its contents, it must be refused and not recased or resacked for placement into stock.

4. Any product which becomes contaminated by rodents or infested with insects must be immediately segregated and clearly labeled "UNFIT FOR FOOD".

5. Rodent contaminated products cannot be sold for animal feed unless they are first sampled and have undergone microbiological analysis as described in Instruction 3.6, section II.

6. If insect contaminated products marked "UNFIT FOR FOOD" are to be sold for industrial purposes or for animal feed, the product must be:

   a. denatured with an inseparable material such as fish oil, lamp black, or tankage

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 3.1
PAGE 5
DATE March 30, 1971
REVISION NO.

SUBJECT INSPECTION OF INCOMING BOXCARS & TRUCKS UPON ARRIVAL AT A WAREHOUSE & DISPOSITION OF DAMAGED OR CONTAMINATED MERCHANDISE AND VEHICLE

b. if returned to the railroad, a letter or affidavit from the railroad agent or the purchaser must be obtained to the effect the product will be used for purposes other than human food and the purpose for which it will be used must be clearly stated (see Appendix A and B)

or

c. where small packages are found to be contaminated or infested the packages can be opened and the contents dumped into larger containers. The identity of the product is thus destroyed as far as any Pillsbury label is concerned. The larger container must be marked "UNFIT FOR FOOD" and handled under the same conditions as listed above for larger size packages.

7. The damaged packages must have the words "Railroad Damage", "Railroad Salvage" or "Truck Damage" legibly stamped on the top, front and back of each individual package.

8. Damaged product must be segregated and be identified by the car number representing the car in which the damage occurred.

9. If any recasing is performed, the damaged individual containers and cases which are rejected to the railroad must be identified by the car number in which it arrived at the warehouse.

10. All individual bags which are refused to the railroad such as 50's and 100's should be overslipped to minimize product loss for the railroad and to contribute toward good housekeeping and desirable sanitation practices.

11. A record or report of the salvage operations must be kept and submitted to the appropriate company (Agri-Products or Grocery Products) with the claim papers so that credit for salvage can be given the railroad on the final papers and claims.

C. Damaged product at production facilities

1. Disposition of the inbound railroad or truck damage will be handled on an individual basis at each production facility and will be dependent upon whether the products can be salvaged rather than returned to the railroad.

2. Care must be used to insure that the railroad damage is kept separate from plant damage until the railroad agent has verified the amount.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 3.1
PAGE 6
DATE March 30, 1971
REVISION NO.

SUBJECT INSPECTION OF INCOMING BOXCARS & TRUCKS UPON ARRIVAL AT A WAREHOUSE & DISPOSITION OF DAMAGED OR CONTAMINATED MERCHANDISE AND VEHICLE.

D. Railroad claim expense

1. All expenses involved in the examination, stamping, recasing, overslipping, etc. of the damaged goods is a legitimate part of the railroad claim.

2. It is important the total expense of the above is broken down as either so many hours at the rate paid by the warehouse or as to so many cases at so much per case.

NOTE: Salvage charges claimed against the carrier must not exceed the actual cost of the operation.

3. Either breakdown as listed above is acceptable but it should be attached to and made a part of the claim papers forwarded to the Pillsbury Company so it can be included in the final claim to the railroad.

NOTE: No clerical charges may be included in a claim.

E. Filing railroad claim papers

1. Claim papers consisting of the freight and/or bill of lading, the railroad agent's notation of damage, either made on freight bill or on an "over, short and damage report" must be submitted to the Pillsbury Company office preparing the claim.

2. An unloading tally must also be included with the final claim papers.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 3.2
PAGE 3
DATE March 30, 1971
REVISION NO.

SUBJECT INSPECTION, SELECTION AND USE OF BOXCARS FOR OUTBOUND LOADING OF FOOD PRODUCTS

E. Boxcar preparation prior to loading

1. Debris, dunnage from previous loading, steel strapping, protruding nails, etc. are to be removed from the car prior to use.

   NOTE: A nail finder can be used to locate nails and staples.

2. Loose dirt, grit, grain, flour products, rubbish etc. must be removed from the car by vacuum cleaning or by sweeping. Car floors _must_ be cleaned before loading.

3. Cars with bows or bulges in the ends in excess of two inches beyond a straight line should not be used for case goods unless they are padded with corrugated cardboard.

4. Cars with a raised steel plate on the floor of the doorway are to be padded with corrugated cardboard.

5. During the summer months, an insect toxicant will be applied to the car after cleaning, but prior to coopering.

6. The Environmental Biology Dept. will annually issue instructions concerning materials to use and the dates to start and stop the treatment of boxcars.

II. ASSIGNED BOXCARS (SPECIAL EQUIPMENT)

A. Special note

1. It is of absolute importance to recognize and remember that assigned boxcars (special equipment) differ from the usual common boxcar furnished by the railroad inasmuch as, under the Food, Drug and Cosmetic Act, the responsibility for contamination in transit can rest solely with the Pillsbury Company rather than the carrier.

2. Loss or damage to the products might not be recoverable from the carrier if it is the result of our not maintaining the car in a clean and sanitary condition.

3. Therefore, _extreme care_ must be observed in the inspection, cleaning and handling of these cars in order to assure there are no conditions existing in these assigned cars that might contaminate or otherwise cause damage or loss of value to the product.

B. Inspection

1. Particular care must be taken to inspect an assigned car on its first trip to a plant location to assure the car assigned meets company standards for acceptance.

   NOTE: When a car is first assigned to a location, the warehouse has the option of rejecting the car because of _critical_ or _major_ defects as listed in 1-C above.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	3.2
PAGE	4
DATE	March 30, 1971
REVISION NO.	

SUBJECT INSPECTION, SELECTION AND USE OF BOXCARS FOR OUTBOUND LOADING OF PRODUCT

2. Prior to loading, all special assigned equipment must be certified by the railroad as fit for food loading.

3. Prior to loading, each assigned special car must be thoroughly inspected not only for possible defects due to misuse but also for signs of product accumulations, insect and rodent infestations.

   NOTE: The warehouse has the option of rejecting assigned equipment when there is reasonable evidence that the car has been out of our captive use because it is (a) mechanically defective and/or (b) contains residues of products not of Pillsbury origin.

C. Handling

1. Special equipment assigned to a Pillsbury production facility cannot be reloaded by a warehouse without special permission from the manager of special equipment service.

2. Prior to loading, all product accumulations will be removed from the assigned equipment, particularly from floor channels.

3. All assigned boxcars or specially equipped cars will be treated with an insect toxicant during the summer months in the manner prescribed annually by the Environmental Biology Dept.

   NOTE: Care must be exercised in the spraying of these cars so that a build-up of insecticide, resulting in a strong odor, does not occur on short hauls and quick turnarounds.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER 3.3
PAGE 1
DATE March 30, 1971
REVISION NO.

SUBJECT
CLEANING & SPRAYING OF TRUCKS TO PREVENT INSECT INFESTATION

These instructions outline the procedure to be followed in the cleaning and spraying of trucks owned or leased by Pillsbury and engaged in the hauling of general merchandise such as grain, feed ingredients, machinery, animal or poultry feed prior to being loaded with Pillsbury products intended for human consumption or with ingredients, packaging materials or other products destined for a Pillsbury plant or warehouse.

I. PROCEDURE

A. Cleaning

1. All trucks must be thoroughly cleaned before being loaded with any materials or equipment destined for a Pillsbury plant or warehouse.

2. The truck cleaning operation must be performed on a year-round basis.

B. Spraying

1. Immediately after cleaning, the truck must be sprayed with a pyrenone base spray (2% piperonyl butoxide - .2% pyrethrins in an odorless, stainless oil carrier) during the summer months.

   NOTE: Do not use any other types of insecticidal spray without the express permission of Corporate Quality Assurance, Environmental Biology Dept.

2. The spraying operation may be discontinued during those months of the year when the temperature remains below 50°.

3. The spray is to be applied to the interior of the truck in such a manner to achieve thorough coverage.

4. Spraying can be best performed using small power sprayers which are available at most Pillsbury production plants.

5. If the power sprayers are not on hand, then a hand sprayer, which is available at all plants and warehouses, should be used.

C. Truck operations manager

1. Will acquaint drivers under his direction with the above requirements.

2. Will make certain that the drivers have the trucks cleaned and sprayed when necessary.

3. Arrange for cleaning and spraying in the event a truck unloads and reloads at a location where spraying equipment is not available.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE SANITATION MANUAL

NUMBER 3.4
PAGE 1
DATE March 30, 1971
REVISION NO.

SUBJECT
SPRAYING AND/OR FOGGING OF BOXCARS PRIOR TO SHIPMENT

During the warm summer months when the average daily temperature is above 50° F., distribution warehouses will spray and/or fog all boxcars to be shipped with an insecticide.

Cars, captive or specialized, which are loaded at a warehouse, shipped to a customer and returned empty to the warehouse will be sprayed or fogged with pyrenone prior to reloading. Cars which may be received at warehouses that were loaded at Pillsbury plants and returned empty to the plant should not be sprayed at the warehouse.

Even though all incoming boxcars from Pillsbury locations have been sprayed and/or fogged, they must be inspected for possible infestation at the warehouse in the manner outlined in the distribution warehouse sanitation manual.

I. BOXCAR SPRAYING

A. Equipment & materials

1. A power sprayer may be used for the spraying of boxcars. A five to seven gallon capacity gasoline powered sprayer with pump, spray rod and agitator in the tank is sufficient.
2. For spraying common boxcars which will be coopered prior to loading, use only the special residual concentrate approved by the Environmental Biology Dept.
3. Only pyrenone sprays will be used in assigned or specialized cars.
4. Dilute concentrate as directed on the label.

B. Method

1. Mix up only the amount of spray solution necessary to treat the number of boxcars which are set in daily. Do not retain any spray which is left over after the spraying operations inasmuch as the ingredients in the spray tend to break down and become ineffective after being mixed with water and allowed to stand for extended periods of time.
2. Begin at one end of the car.
3. Hold the nozzle approximately one foot from the walls and spray along the cracks of the wood, whether these be vertical or horizontal. Spray the end lining, the side lining and the floor, thoroughly "wetting" the entire surface, but permitting no "run-off".
4. Make certain no "puddling" results on the floor from any defective nozzle, valve or spray equipment or from over-spraying of the walls.

C. Safety

1. The individual applying the spray will be furnished with a dust type mask to prevent droplets of the spray material from entering the respiratory tract.
2. After the entire spraying operations are completed, the spray unit should be thoroughly cleaned and placed in an assigned location.

Pillsbury

GROCERY PRODUCTS COMPANY
DISTRIBUTION WAREHOUSE
SANITATION MANUAL

NUMBER	3.4
PAGE	2
DATE	March 30, 1971
REVISION NO.	

SUBJECT
SPRAYING AND/OR FOGGING OF BOXCARS PRIOR TO SHIPMENT

II. FOGGING OR MIST SPRAYING OF BOXCARS

A. Equipment & materials

1. Air operated aerosol application devices and/or other micronizing equipment such as electrical micronizing type units or thermal aerosol units.

   NOTE: Recommended brand names may be obtained from the Environmental Biology Dept.

2. The insecticide to be used in air operated fogging devices is the pyrenone spray approved for use by the Environmental Biology Dept. and diluted with water as per label instructions

3. Deo Apco 467 oil, instead of water, is required in thermal fogging units such as Swing Fog and Dyna-Fog units or electrical fogging units such as the microsol units. An oil soluble pyrenone concentrate is necessary to permit dilution with the oil.

B. Method

1. One door of the car must be completely closed. The fogging device will be placed in the car through the other door which will be opened approximately one foot.

2. The unit should be aimed at one end of the car until the fog is sufficiently thick so it appears as a heavy atmospheric fog. The device should then be reversed and pointed toward the other end, repeating the above step. It will require from one pint to one quart of insect toxicant per car.

3. Upon completion of the fogging, the device should be removed from the car and the doors left closed for 15 to 30 minutes.

4. At the end of the exposure time, both doors should be opened, coopering of the car can commence after the fog has dissipated.

C. Safety

1. Same as listed in I. BOXCAR SPRAYING, C. Safety.

Item 2—Material Submitted by Other Than Witnesses

FROM SECRETARY ELLIOT RICHARDSON

[Exerpted from Finance Committee hearing record on H.R. 1]

Ineligibility for Food Stamps and Eligibility for Surplus Commodities

Senator Hansen. Then maybe if we could possibly pursue those points just a bit further at this time, is there anything in H.R. 1 making it, that would make it, mandatory that States cash out food stamps.

Secretary Rchardson. Yes. For those, for the people under the AFDC program who would be receiving benefits, that is the people in that family situation. There are a few people who are not covered by H.R. 1 at all who could continue to be eligible for food stamps under the existing food stamp law.

Senator Hansen. What you are saying is that all persons who would come under the purview or the provisions applying to aid to families with dependent children, none of those persons would be eligible for food stamps in any of the 50 states.

Secretary Richardson. That is correct

Senator Hansen. Is this same situation true with commodities.

Secretary Richardson. No, the H.R. 1 does not touch the commodity program.

Senator Hansen. Then could that be indicated or may we have a clarification of the possible impact that could result in a welfare situation if a State decided to distribute and dispense surplus commodities.

Secretary Richardson. About a third of the counties, I believe, still do utilize the commodities program rather than the food stamp program. We have referred to this in our footnote somewhere. Are you suggesting that we show the economic value of (the food stamps) as they, in effect, part of——

Senator Hansen. I was trying, Mr. Secretary, to determine for myself, if I could, the total impact of all of these various programs and it would occur to me that the ability to receive surplus commodities in diminishing amounts, assuming there would be a cutoff on those, along with other things, could be a factor in determining a person's motivation.

Secretary Richardson. It could be. It is true that under the commodities program, quantity stays level up to the income cutoff beyond which the family is no longer eligible, so the result is a notch. It is hard to figure out when you are handing out commodities. The only way to do it otherwise would be, I suppose, to progressively reduce the quantity of the commodity. We have a short analysis of this problem I would be glad to furnish you.

Senator Hansen. That would be helpful and I appreciate it, Mr. Secretary.

(The information follows:)

I.11 Issue Paper on Surplus Commodity Program

ISSUE

Section 502 (a) of H.R. 1 prohibits a FAP recipient from participating in the Food Stamp Program but does not prohibit participating in surplus commodity programs. This creates inequities among families with similar income and mantains a significant notch and accompanying disincentives to work effect.

IN H.R. 1

Section 3 (e) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new sentence. "No person who is determined to be an eligible individual or eligible spouse under section 2011 (a) of the Social Security Act, and no member of a family which is determined to be an eligible family under section 2152 (a) of such Act, shall be considered to be a member of a household or an elderly person for the purposes of this Act."

DISCUSSION

1. One-third of the counties now sponsor surplus commodities programs. A DOA spokesman estimated the retail value of the present combination of goods to be $16 per person per year. Eligible families in these counties will have more real income than persons with comparable money income in the other two-thirds of the counties.
2. A family receives the same amount of surplus commodities from 0 income to the cut-off income. This creates a clear notch effect with potential disincentives to increased work effort.
3. There would be many problems if the disparity in the treatment of Food Stamps and Surplus Commodities encourages expansion of the latter program. Expansion of commodities' to all families now receiving Food Stamps would create disruptions in the market and involve heavy distribution and storage costs.
4. One alternative is to prohibit receipt of commodities by FAP recipients but it may be difficult to sell to Congress. Chairman Poage of the House Agricultural Committee already advised Chairman Mills of Ways and Means that jurisdiction over surplus commodities was not transferred along with Food Stamps. The Senate Agricultural Committee may be equally protective of the surplus commodity program.

5. Another alternative is to define surplus commodities as part of income ; this avoids the Congressional obstacles but then there is a problem in placing a value on the commodities The cost to the Government runs $80 per person per year which is considerably less than the DOA estimate of retail value of the package. Despite the problems, the required valuation is analogous to calculation of a national consumer price index and therefore of course could be done.

6. Since a county may have a food stamp or a commodity program, but not both, our food stamp provision "cashes out" commodities as drafted, if we prohibit receipt of commodities.

POSITION

Attempt to prohibit receipt of commodities for family and adult recipients, either in H.R. 1 or by amending the commodity legislation. As a last resort, choose the alternative in 5 above.

Senator **Hansen**. One further——

Mr. **Veneman**. Senator, may I just elaborate a little on the history of that.

Senator **Hansen**. Yes.

Mr. **Veneman**. When the bill was before the House last year, you will recall, when we offered an alternative to buy out food stamps we also applied it to commodities—that is the way we initially offered it to Ways and Means. The Ways and Means did not include commodities because of jurisdictional problems as well as anything else. Our position was we should not provide incentives to initiate another nationwide commodity program.

AN ANONYMOUS* REPORT

USDA Packaging of Commodities for Distribution to the Poor

1—INTRODUCTION

This report covers a preliminary investigation of the USDA packaging of commodities for distribution to the poor. The basis for the conclusions and recommendations is a limited study of some of the packaging, a review of specifications, and limited observations of warehousing and centers where the product is distributed. This report can in no way be considered complete because of the very limited nature of the investigation. The packaging which appears inadequate in this study may be found satisfactory, while packaging that appears satisfactory at this writing may have problems at other locations or geographical areas. The limited warehousing and distribution facilities that were observed cannot be assumed to be representative of all warehousing and distribution facilities used in the U.S., and with the exception of past packaging history, cannot be equated with overseas shipments. To develop a comprehensive analysis of this packaging and the distribution system would require a detailed study for a several month period, observing at least 25 percent of the warehousing and distribution facilities in different geographical locations, a lab study of each package, the development of new specifications, lab testing of same and a field evaluation. With this approach, developed around the information in this report, it should be possible to produce a new set of specifications and a packaging system that would be viable relating to handling and product loss for U.S. and overseas shipments at something that would be a cost standoff or slightly higher in price than existing packaging when all is considered. In some cases we would expect to upgrade the packaging with increased cost, in others a different system could offer a cost reduction potential.

2—CONCLUSION

2.1—Basis a rather limited observation, it appears that the problem of product loss is more the result of the total system than simple under packaging, and unless warehousing and quality standards were upgraded, overpackaging would not offer the desired level of protection. From the study of the packages received, the specifications and the warehousing and distribution facilities, it would appear that the packaging, while it might be considered adequate, is minimum. Minimum packaging, while acceptable, requires the very best handling and warehousing to insure that it arrives at the customer in satisfactory condition. From what has been observed, the warehousing and handling of these products is far from the best. Consequently, we are faced with a situation of minimum packaging, bad handling, and warehousing which results in apparent package failure. In other words, the warehousing distribution system would hardly be adequate for maximum packaging must less minimum.

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*Author of report retained in committee files.

2.2—In many cases the principle package for the product would be satisfactory if the shipping container were upgraded to prevent damage. In other cases, obviously poor quality control has resulted in a package that would be damaged regardless of this shipping container or method of handling. Some packaging should be definitely upgraded since, while it meets a minimum standard, you would find no one in the industry using this low of quality.

2.3—If we are to insure maximum product life and minimum product loss it would almost be necessary to start from scratch with a complete overhaul of existing packaging and methods for handling. In considering what appears to be some political implications in the overall system, there is a question as to how practical this might be.

2.4—At some point in time, a study should be undertaken to evaluate each individual package, develop new specifications in a more precise and detailed manner, and laboratory and field test packages made to the new specifications. A final evaluation should also include costing as compared to the present packaging.

2.5—Specifications should be rewritten in a more precise and detailed manner rather than the general concept of having one specification cover many packages. The specifications and methods of quality evaluation should be put on a more realistic basis, and finally accepted after laboratory and field testing have established that product loss is held to an acceptable level.

3—RECOMMENDATIONS

3.1—That a program be undertaken to determine:

3.1.1—the actual amount of product loss due to package damage, infestation, rodents, inadequate barrier properties of the package, etc.

3.1.2—at what point in the distribution system the destruction of the product occurs.

3.1.3—shipping methods used for damaged product and packaging.

3.1.4—the quality of warehousing provided by the contractors.

3.1.5—how packaging for each product relates to the identical product packaged for commercial use.

3.2—Packaging in cloth bags should be eliminated.

3.3—Fifty and 100 pound bags of food material could be eliminated in favor of smaller lot packaging since the larger bags are much more prone to shipping and handling damage.

3.4—Bundles could replace bails for kraft overwrap of smaller weight bags.

3.5—Each individual package as it now stands should be evaluated by laboratory and field testing.

3.6—In those cases where packaging is inadequate, new specifications should be developed, and actual packaging, basis these specifications, be evaluated in the laboratory and in the field.

3.7—A new form be developed for specifications which will be very specific on each point.

3.8—Packaging better than minimum be specified.

3.9—Packaging that is not equal to or better than comparable packaging for commercial sale to consumers be immediately upgraded to be identical with or better than same.

3.10—A thorough evaluation of all packaging for overseas shipments be conducted and same be upgraded to be equal to or better than packaging used by industry.

4—DISCUSSION

4.1—There would appear to be no valid reason why commodity foods distributed by the USDA to the poor should not be packaged to provide product protection equal or identical to products packaged by private industry for sale to the public. Products for sale to consumers are not positioned against those packaged for distribution to the poor, in that the commercial package itself is designed to provide a competitive position, convenience, or uniqueness and have appeal to the consumer by the use of graphic design. This package is developed around the set of marketing objectives to make it competitive in the store with adequate product protection a prerequisite. Consequently, a package which provides equal product protection, but without unique features in graphic design and not for sale, would in no way be competitive with its counterpart.

4.2—In most products it costs little or no more to provide adequate product protection than it does to under package. Many times such insignificant changes as glue pattern on a bag or folding carton can increase its effectiveness many times. In other instances, improved packaging for product protection may actually result in a cost reduction through the use of modern materials and methods.

4.3—After reviewing the government specification for packaging of these products, they could, if properly interpreted, be adequate for minimum product protection when handled through a regular grocerer's distribution system. In normal distribution you can expect a maximum of one to two percent product package damage between the time it is manufactured and the time it reaches the store shelf. There are many reasons for this, the primary one being the generally accepted shipping and handling practices. The one problem I have with the government specifications for this packaging is that they are too general, minimum, and all inclusive, i.e., one document deals with all bags, rather than an individual specification developed and written for a particular product in a particular package as is general industry practice. The specifications allow too many options. It is my opinion that each size of each commodity should have a separate specification that defines the package for a product exactly and precisely, and that as new products for distribution become available, new specifications should be written. Also, instead of general test methods applying to a broad range of bag or carton packaging, specific test methods and quality assurance methods should be developed for specific packaging.

4.4—In the analysis of existing packaging, there are some general areas that I am sure contribute substantially to product loss through damage, infestation, etc. Bags are much more vulnerable to shipping and handling damage than boxes and cartons and the greater the net weight of the contents of the kraft bag the more susceptible it seems to be to damage. In normal grocery distribution, the damage in bagged products particularly in the 25, 50 and 100 pound range is often 10 to 20 times as great as the same product in smaller boxes. No matter how well a 50 pound bag of grain products is sealed, once it is damaged by a fork truck or other handling, it is immediately subject to infestation, moisture absorption, etc. Another practice which has been outdated for many years is the use of bulk shipment in 50 or 100 pound bags for dispensing in smaller size quantities to the consumer. If you wish product protection, this practice should be eliminated. Cotton or burlap bags, while they have a secondary use, offer almost no product protection from moisture, rodents, infestation, odor transfer, etc. Woven polyethylene bags are more economical and stronger, and the cost savings could be used to add a light gauge polyethylene or polypropylene inside film bag, which would provide moisture, odor and infestation protection and improved rodent resistance by restricting the odor of the commodity. Paper bags could be coated to limit moisture and oil transfer and considering some of the adverse storage conditions it would appear that improved sealing methods would be warranted in some cases. If at all possible, many of the products under 5 pounds net weight now packaged in bags should be in overwrap cartons. This will add to the cost but should provide substantial improvement in protection. In many instances cartons could be coated to prevent moisture transmission and infestation and flap overlaps should be sufficient to insure infestation proof seals. A protective paper overwrap should be used in many cases.

4.5—Rather than general requirements for adhesives for sealing bags and cartons, particular adhesives should be specified and in many cases hot melt should be used.

4.6—The use of bundles (Sig) rather than bails (bags) provide a better package which is much less vulnerable to shipping damage at a cost reduction when numbers of smaller bags are shipped as a unit.

4.7—It has been noted that the packages are labeled as to meeting requirements of uniform freight classifications or essentially confirming to the railroads Rule 41 and that bags are designated as freight shipping bags not packages to contain product. A package that is designed to meet Rule 41 will not necessarily perform well in the rest of the distribution system. An example would be that pallets are rarely stacked more than two high in rail cars or truck trailers, while they may very well be stacked three or four high in warehouses and distribution centers. The net result of this is that a package designed to withstand the two high pallet loading in a rail car may be subjected to twice the vertical load when warehoused resulting in crushing or other damage to the bottom containers.

4.8—There is also a serious question as to whether there is any validity in packing smaller bags, i.e., five and ten pounds in cartons for shipping since with grain products there can be substantial compacting of the product due to vibration, etc., and a shipping bag will lend no vertical support to the carton and cause bulging. Consequently, unless it is substantially overdesigned, the carton will crush when stacked in a warehouse. As to the problem relating to the use of a case cutter for opening and damaging the product inside the case. This is a frequent occurance in normal grocery distribution and in many cases steps have been taken to eliminate this possibility. The general use of a tear strip doesn't seem to be the answer, since in most cases a knife will be used any how since it is easier and faster. The notation of do not cut below dotted line has some validity in grocery stores but may not be applicable for distribution of government products since I suspect they are not handled as well as they are in the stores. There is one sure answer to the problem and that is a liner around the inside of the case which prevents cutting through to the packages containing the product. This will increase your carton cost, but will eliminate damage from cutting and give the carton increased vertical load capability.

4.9—The practice of utilizing polypropylene bottles for packaging corn syrup has been well established in the industry and will result in substantial cost reductions as well as decreased breakage and product vulnerability.

4.10—If one looks at the logic of large volume bag shipments (25, 50 and 100 pounds) for distribution to a consumer, you can see the justification or rationalization for eliminating this type of package. In a household the use of 25, 50 and 100 pound bags of grain products are subject to infestation, moisture absorption, etc., because of the long period of time they remain open before the entire contents are consumed. In distribution, if one 50-pound bag of product is damaged, it is in all probability entirely lost, or its useful life substantially reduced. If the same 50 pounds of product are broken down into five pound bags, there is a chance that one or two may be damaged or become otherwise contaminated resulting in only 10 pounds loss. Granted the cost of packaging will increase, however, this should be more than offset by the cost of the product that is saved. To go one step further, the chance of damage and infestation can be reduced still more by replacing the bag with an overwrap carton which can be well sealed against infestation as opposed to bags which are virtually impossible to seal completely. All bags are rather easily damaged or punctured by projecting pieces or wood or nails on pallets, pallets with boards missing, fork trucks projecting nails, splinter, etc., in cars and trucks, careless handling shock loads, shifting in cars or trailers, etc. Consequently, it would seem to make sense to eliminate as much bag packaging as is possible particularly in the larger sizes.

4.11—Basis observation, one can only conclude that if there is a substantial loss of product due to package damage, infestation, rodents, moisture, grease, crushing, etc., that it is the result of the use of minimum packaging with minimum warehousing, both which contribute substantially to the problems. In visits to the warehouses, many situations were observed that would be totally unacceptable to industry and I'm sure to the FDA. Pallet loads of processed cheese marked "keep refrigerated" were standing in an open warehouse with the temperature in excess of 80 degrees. Products marked "store in a cool dry place" with a temperature range 32 to 70 degrees marked on the container, were stored in an unheated warehouse where the temperature probably ranged from 100 in the summer to below zero in the winter. Warehousing was observed where the roof was leaking, there were holes in the wall, the doors did not fit tightly and the floor boards had one inch gaps where ground could be observed underneath. If this is the prevailing condition throughout the country, it is one of the first things that should be changed.

4.12—It appears general practice to package dried beans, macroni and other products of this nature in cello or polyethylene bags and place 24, 36 or 48 in a corrugated container. When these products are stacked two, three or four pallet loads high, the corrugated shippers crush severely causing product damage and rupture of the bags from vertical pressure. This packaging should definitely be upgraded.

4.13—A substantial amount of denting and crushing damage was noted in peanut butter cans and condensed milk cans and while it is difficult to determine the cause, better packaging and heavier tin plate weight should be investigated.

4.14—Practically all cartons in the bottom rows of pallets of bagged product had obvious bulging in spite of the fact that they were stacked only one and two pallets high. This situation needs correcting and occurs in prunes, beans, peas, macaroni, meal, flour, grits, mashed potatoes, etc. Increasing the corrugated base weight and dividers would provide better vertical strength.

4.15—It was noted that many of the larger (50 pounds) bags were cut through on one ply and a fair amount had been damaged seriously enough to require taping.

4.16—Enriched rice, egg mix, powdered milk, etc., seem to have the same general problems of crushing, some broken cartons, broken bags, seals coming open on bags and while this does not always result in loss of the product, it creates a situation which is unattractive and in some cases requires repacking.

5—NOTES AND OBSERVATIONS ON WAREHOUSING AND DISTRIBUTION

Long grain enriched rice—in 50 pound bags. All product in the warehouse are stacked 1, 2 and 3 pallets high.

Dark red kidney beans—net weight 24 pounds packed in polyethylene bags in cases. Product looks like it has been around for quite a while. Bottom cases crushed.

Processed American cheese—several pallets of 5 pound cartons. Stored at regular warehouse temperatures. All cartons specify "keep refrigerated". They are stored in the open at warehouse temperatures, which are excessive. From the dust and condition of the cartons, it would appear some product has been there a while. Packing code numbers identify it July, August and September, 1971.

Peas in cartons—stacked two pallets high. Some damage occurring to the bottom cartons in the three pallet stacks, looks like it was hit by a fork truck. Bottom cartons deformed by weight.

Cut green beans—also in cartons printed "store in cool dry place" (32°–70°) stored in normal warehouse conditions.

Peas—the same way.

Vegetable shortening—cans in cartons printed "store in a cool dry place" (32°–70°). Temperature at 85° in the warehouse. May, 1971, is the date on the product.

Salad and vegetable oil packed 6/1 gallon cans in carton. No observable damage.

Orange juice in 12/#3 cans per cartons. Stacked three pallets high. Appears to be in good condition.

Pork with natural juices and salt added—12/1 pound 13 ounce cans. Net weight 43½. Stacked three pallets high. Normal can stacking. No apparent damage.

Wheat enriched macaroni—24/16 ounce poly bags. It is only stacked one pallet high but there is a substantial amount of case damage to the bottom cartons, this was probably stacked higher in shipment. A substantial amount of damage and bulging in all cartons.

Flour enriched bleached—in bails. Net weight 50 pounds, 5/10 pound packages. Damaged bails and bags are obvious.

Dried prunes—24/1 pound packages to a carton. Obvious bulging in the bottom cartons in spite of the fact that they are only stacked one pallet high. This package should be changed.

Instant mashed potatoes—bulging in the bottom cartons, stored one pallet high.

Evaporated milk—seems to be no problem here. 48 cans per carton stacked three pallets high.

Instant no fat milk—one carton damaged, taped over with scotch tape.

6/#10 cans of corn—stacked two pallets high. No apparent damage.

Dry no fat milk—looks like it is bagged or cartoned in an overcarton. Appears this needs more protection.

Canned dried prunes—cartons are pretty well beat up. This is probably somewhat in excess of normal damage you would expect for the stacked can materials.

Rolled oats—in bails. Net weight 36 pounds. Bottom bail crushing and bulging when stacked two pallets high.

Enriched rice—24/2 pound bags packed in bails. Looks like they were taped on the end.

Corn meal—50 pound bags, sewed ends. Bags damaged, taped, stacked two pallets high. Some bags on the bottom are leaking.

Dry yellow split peas in poly bags. Net weight 24 pounds, packed in a carton. Every carton is crushed and distorted. This container obviously needs to be changed.

Canned sweet potatoes. No apparent damage.

Canned grapefruit sections. Appear in good condition.

Egg mix—48/6 ounce pouches packed in a carton. Bulging is obvious in five to ten percent of the cartons. Some are broken, others are oil stained. Product leaking out on to the floor. Pallets are sub-normal, not in very good shape.

Dried pinto beans and red kidney beans pouched in boxes. Bottom containers crushed and bulging.

Enriched rice in 50 pound, same general problem. Holes in bags are taped. Tears in the bags, torn ends and product leaking on the floor.

Yellow corn meal—10/5 pound packages in a bail. Bails are torn, however, no product seems to be leaking.

Dried lima beans—50 pounds in taped sewn bags seem to have survived fairly well. Some of the outer plies of the bags are torn.

Rolled oats—36 pounds in bails. They seem to be getting through alright, but would not recommend this type of packaging.

Boned turkey fully cooked. 24/29 ounce cans. Packaged in cartons. Carton damaged. It is hard to assess the can damage without opening the cartons, but suspect some.

More red kidney beans—in pouches. Bottom cartons crushed and bulged.

Vegetable shortening—strong, cool and dry place, stored at regular warehouse conditions, but probably all right.

Apple sauce—in cartons. Several cartons are damaged.

Non fat dry milk—packed in cases. 6/4 pound cartons. This is stacked three high. Seems to be surviving alright.

All purpose flour bleached in bails. 5/10 pound packages. Net weight 50 pounds. Seems to be in fairly good shape.

The warehouse is an abandoned railroad station. Some of the floor is covered with plywood, the remainder is the original board structure. The building is old and unheated. Floor boards are spaced so there are wide gaps. Doors don't fit, etc. This certainly would not be acceptable under any circumstances for a grocery products warehouse building for industry. Floor does appear to be clean and swept, however, and we find very little damaged product laying around. One additional note: The manager did say that these products packaged in paper seemed to have substantially higher damage rate than that material packaged in corrugated cans, boxes, etc.

In the distribution center we have complaints of seals coming open on bags of flour, meal, etc., labels coming off of cans, crushed and damaged cans of condensed milk, crushed cans of orange juice, tomatoes leaking from top seam of the can. There are some seam leakers on several different products which appears just a bad seaming job or incomplete coating on the inside. Fork truck damage was noted on powdered non fat dry milk and some breakage in glass corn syrup bottles. Egg mix was in badly damaged cans. Dried prunes are packed in poly bags three sided seal. Seamed down the face of one bag.

On enriched powdered rice, in two-pound bags, glued bottom seam, sewn top seam. Macaroni packaged in cello bags—some broken.

They have taken care to instruct their personnel not to cut product in bags that are packed in cases. (They use case cutters set to depth for opening cases.)

Peanut butter had 100 percent crushed cans, appears to be from vertical load since the cases show no damage on the outside. Rolled oats are packed in bags, glue top and bottom, some leakage it would appear, though not excessive. All bags are kraft. Yellow corn meal, enriched 5 pound bags, substantial amount of dusting and leaking. Many of the bags look like they have bad bottom or top seals are definitely off center. Dry milk is in a carton with an overwrap, wax or polycoated paper. Beans are 32 ounces packed in a poly bag. Heat seal top and bottom and along the back. No product shipped in here in 50- and 25-pound bags. Largest bag is 10 pounds flour. Some poly bags are damaged slightly due to handling probably weakened in storage. Cheese is cut to 1, 2, 3 and 4 pound blocks in the location that dispenses the product. Butter is just overwrapped in one pound blocks and packed 32 to a container. Most food in damaged packages is repackaged in bags.

6—SHIPPING DAMAGE

There is one other area that in all probability results in as much package damage as all others combined and this is rail shipment. In spite of package specifications that conform to Rule 41, this damage still occurs and is the result of improper car loading, high "G" forces when cars are humped or switched and many of the road beds in the United States which are far from ideal. In this area of damage, many things become critical such as pallet patterns, pallet overhang, loading configuration, particularly in the area of mixed product loads, the conditions of the car, the use of cushioned or non-cushioned cars, and the shipping route.

To understand why we have package damage, particularly in the area of bags, you can follow a typical example through the system from manufacturer to the ultimate consumer in an overseas situation. To start let us assume that we are shipping 50 pound bags of a grain product on a pallet which probably is far from being new or in excellent condition, with a few protruding nails, splinters and perhaps even a missing board. Under Rule 41 and GMA regulations we ship on a 40 by 48 inch pallet with a four inch overhang both directions, which is allowable. Once the product is palletized it is probably stacked in the warehouse for a few days, two, three or four pallets high, with each subsequent pallet resting on the unprotected bags of the lower load. Here the warehousing conditions are probably satisfactory so we don't have to worry about moisture, infestation or rodents. We do, however, risk the hazards of the bags being damaged by a fork truck. This product is then removed from the stack, loaded in a non-cushioned rail car for shipment to the port and is subsequently subjected to the normal damage that can and will occur in box cars, because of shock loads, shifting, and again, protruding nails, splinters from load shifting, etc. At their destination these bags are removed from the rail car and in all probability warehoused again stacking three or four high while waiting for the ship. When ready to be loaded, they are removed, placed on the ship and subjected to rolling and pitching, load shifting, etc. that will occur in this type of shipment. At the end of the line they are again unloaded and by one means or another distributed to the ultimate user. It is apparent from this that the regular Rule 41 packaging requirements are not going to be adequate to protect this package from the many handling situations it encounters as well as the high relative humidity, the potential for becoming wet, and the exposure to infestation and rodents which are generally on all freighters. This is a case where substantial amounts of overpackaging will be required to insure that the product gets to the consumer in a usable condition.

The solution to the problem is not simple and requires a substantial amount of study to develop a specific package specification for a specific product for specific end use to be transported under specific shipping condition to specific geographic locations. To make recommendations for individual packages without a study would simply be shooting in the dark and could result in substantial overpackaging or a situation that would be no better than it is at the present time.

In the discussion of this report, some general areas have been covered which could and should be changed, and I have included comments relating to damaged packaging that has been observed. From this it would appear that a program could be designed to correct what packaging deficiencies there are, with immediate attention to changes that are obvious and a study to develop new approaches in all areas. With this the overall situation could be substantially improved.

FROM MRS. MURIEL BARRON, PARIS, MO.

SEPTEMBER 14, 1971.

To Whom It May Concern:

My name is Mrs. Muriel Barron (Betty). I am married to Muriel Barron; we have five children, ages ranging from 3 to 9 years of age. Three of which are in school. My husband has 7 years of schooling. Since there was 14 children in the family and he being the last, had to work to help his mother. His father was killed in a mine accident when he was 9 months old. I have had 11 years of schooling.

Last October 30th my husband was disqualified for work after a car wreck. He has just had a spinal fusion at the Boone County Hospital, and will be unable to work for some time.

We got checks from the State—one for $70, which they are cutting about $10 for my husband.

The other check is A.D.C. for the children and myself, in the amount of $185.

I want to tell you some of my background so that you can understand how important commodities are to me and my family.

We have very little left to get groceries on once we pay bill such as rent, utilities, etc. and when we get commodities which amount up to around $87.50 a month extra over and above what we have left out of our check to spend for groceries, and it helps.

I know there are more people in this country and other places who believe as I do that it is bad enough to be down on your luck, trying to raise your children right without having to beg higher ups to let you have commodities after all we pay taxes which in turn pays the higher up.

I am not good with words but this I do know the state has this food extra why not give it to people who need it? We are always sending food across the water to other countries, well why not give food to the hungry children in America?

Sincerely yours,

Mrs. (Betty) MURIEL BARRON.

Appendix 2

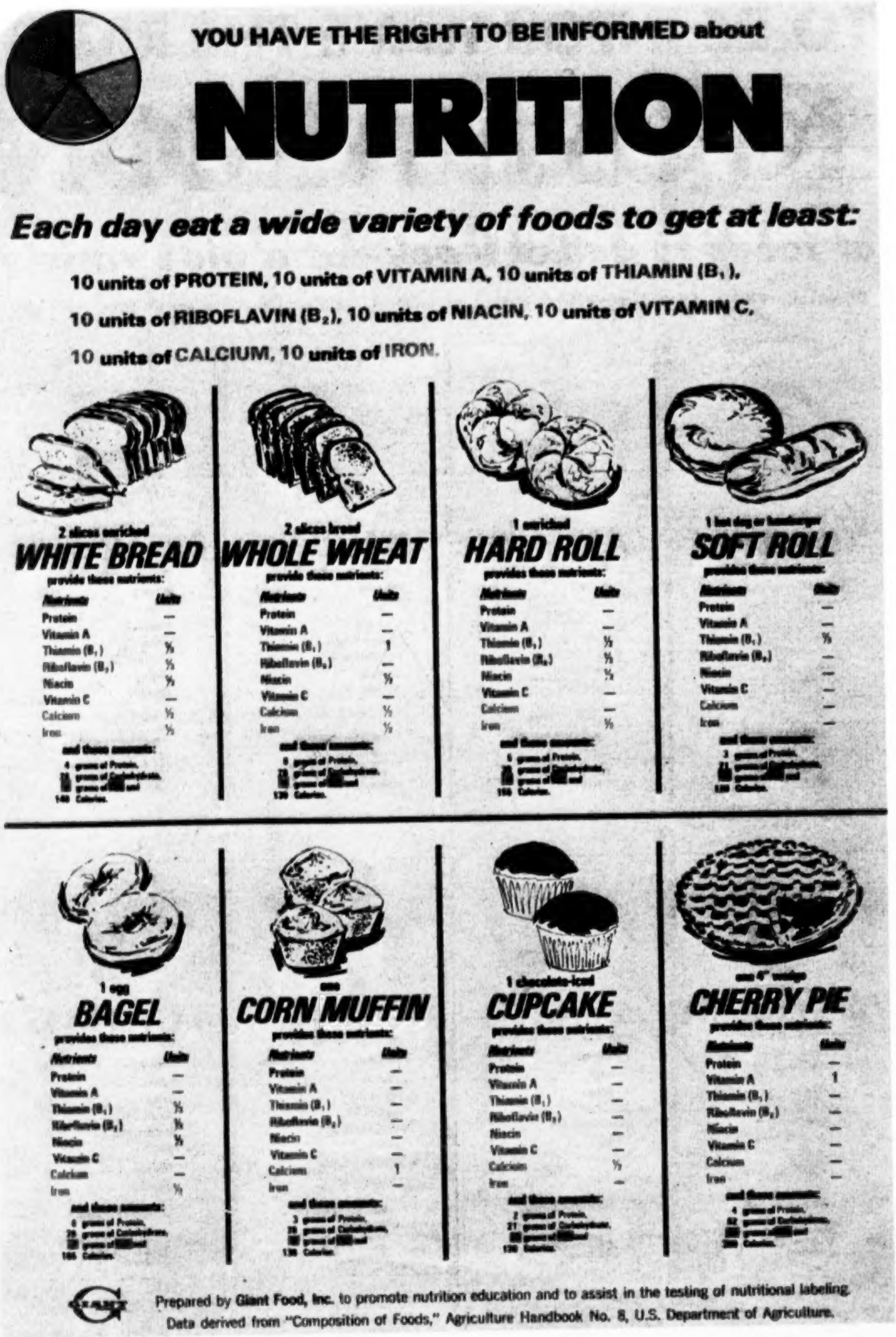
ITEMS PERTINENT TO HEARING OF SEPT. 16, 1971

Item 1—Material Submitted by Witnesses

FROM MRS. ESTER PETERSON

Experts Unite To Plan the Program

Dr. Jean Mayer, professor of nutrition at Harvard University, chairs the committee that designed the Giant nutritional labeling program. Other committee members include Doris Behre, president of the Virginia Citizens Consumers Council; Mildred Brooks, home economics consultant with the D.C. Department of Human Resources; W. W. Falck, president of the Maryland Consumers Association Inc., Madison Jones, former chairman of the Mayor's Commission on Food, Nutrition and Health; Rodney Leonard, president of the Community Nutrition Institute; Sidney Margolius, consumer author and columnist; Helen Nelson, associate director of the Center for Consumer Affairs at the University of Wisconsin; Paul Smith, president of the D.C. Citywide Consumers Council; Dr. Ira Somers, director of research laboratories of the National Canners Association; James Turner, author and consultant at Ralph Nader's Center for the Study of Responsive Law; Irene Wolgamot, former president of the D.C. Home Economics Association; and Patricia Young, chairman of the women's panel of the White House Conference. Dr. Ogden Johnson and Judith Cooke of the FDA are liaisons to the committee, which also includes a number of Giant staff.



YOU HAVE THE RIGHT TO BE INFORMED about

NUTRITION

Each day eat a wide variety of foods to get at least:

10 units of PROTEIN, 10 units of VITAMIN A, 10 units of THIAMIN (B_1),
10 units of RIBOFLAVIN (B_2), 10 units of NIACIN, 10 units of VITAMIN C,
10 units of CALCIUM, 10 units of IRON.

2 slices enriched
WHITE BREAD
provide these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	—
Thiamin (B_1)	½
Riboflavin (B_2)	½
Niacin	½
Vitamin C	—
Calcium	½
Iron	½

and these amounts:
4 grams of Protein,
[illegible] grams of Carbohydrate,
[redacted] grams of [redacted] and
140 Calories.

2 slices bread
WHOLE WHEAT
provide these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	—
Thiamin (B_1)	1
Riboflavin (B_2)	—
Niacin	½
Vitamin C	—
Calcium	½
Iron	½

and these amounts:
6 grams of Protein,
[illegible] grams of Carbohydrate,
[redacted] grams of [redacted] and
130 Calories.

1 enriched
HARD ROLL
provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	—
Thiamin (B_1)	½
Riboflavin (B_2)	½
Niacin	½
Vitamin C	—
Calcium	—
Iron	½

and these amounts:
5 grams of Protein,
[illegible] grams of Carbohydrate,
[redacted] grams of [redacted] and
155 Calories.

1 hot dog or hamburger
SOFT ROLL
provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	—
Thiamin (B_1)	½
Riboflavin (B_2)	—
Niacin	—
Vitamin C	—
Calcium	—
Iron	—

and these amounts:
3 grams of Protein,
21 grams of Carbohydrate,
[redacted] grams of [redacted] and
120 Calories.

1 egg
BAGEL
provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	—
Thiamin (B_1)	½
Riboflavin (B_2)	½
Niacin	½
Vitamin C	—
Calcium	—
Iron	½

and these amounts:
6 grams of Protein,
28 grams of Carbohydrate,
[redacted] grams of [redacted] and
165 Calories.

one
CORN MUFFIN
provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	—
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	—
Calcium	1
Iron	—

and these amounts:
3 grams of Protein,
19 grams of Carbohydrate,
[redacted] grams of [redacted] and
130 Calories.

1 chocolate-iced
CUPCAKE
provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	—
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	—
Calcium	½
Iron	—

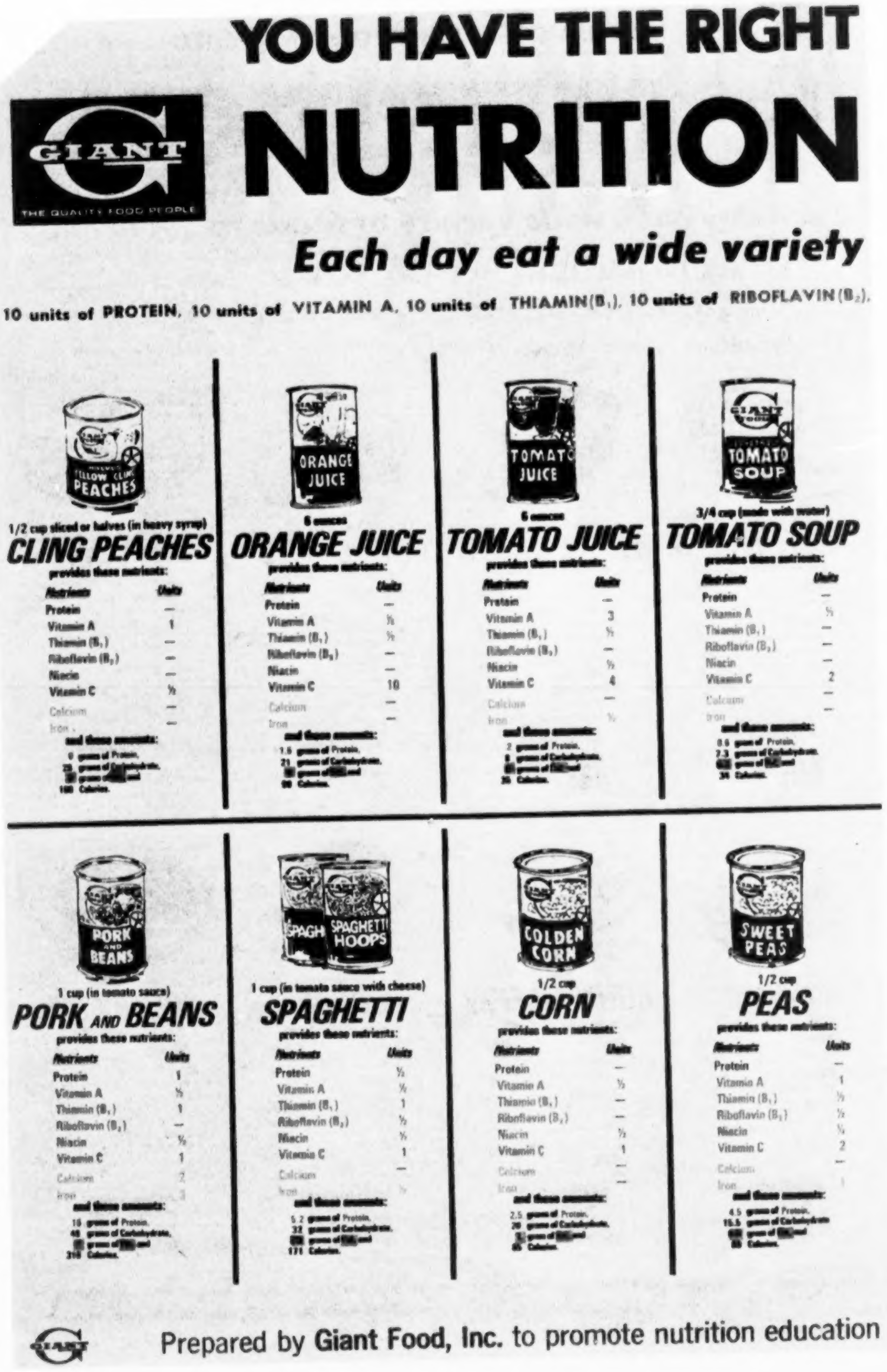
and these amounts:
2 grams of Protein,
21 grams of Carbohydrate,
[redacted] grams of [redacted] and
130 Calories.

one 4" wedge
CHERRY PIE
provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	1
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	—
Calcium	—
Iron	—

and these amounts:
4 grams of Protein,
52 grams of Carbohydrate,
[redacted] grams of [redacted] and
350 Calories.

Prepared by **Giant Food, Inc.** to promote nutrition education and to assist in the testing of nutritional labeling.
Data derived from "Composition of Foods," Agriculture Handbook No. 8, U.S. Department of Agriculture.



YOU HAVE THE RIGHT NUTRITION

Each day eat a wide variety

10 units of PROTEIN, 10 units of VITAMIN A, **10 units of** THIAMIN(B_1), **10 units of** RIBOFLAVIN(B_2).

1/2 cup sliced or halves (in heavy syrup)

CLING PEACHES

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	1
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	½
Calcium	—
Iron	—

and these amounts:

0 grams of Protein,
25 grams of Carbohydrate,
[redacted] grams of [redacted] and
100 Calories.

6 ounces

ORANGE JUICE

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	½
Riboflavin (B_2)	—
Niacin	—
Vitamin C	10
Calcium	—
Iron	—

and these amounts:

1.5 grams of Protein,
21 grams of Carbohydrate,
[redacted] grams of [redacted] and
90 Calories.

6 ounces

TOMATO JUICE

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	3
Thiamin (B_1)	½
Riboflavin (B_2)	—
Niacin	½
Vitamin C	4
Calcium	—
Iron	½

and these amounts:

2 grams of Protein,
8 grams of Carbohydrate,
[redacted] grams of [redacted] and
35 Calories.

3/4 cup (made with water)

TOMATO SOUP

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	2
Calcium	—
Iron	—

and these amounts:

0.6 grams of Protein,
7.3 grams of Carbohydrate,
[redacted] grams of [redacted] and
34 Calories.

1 cup (in tomato sauce)

PORK AND BEANS

provides these nutrients:

Nutrients	*Units*
Protein	1
Vitamin A	½
Thiamin (B_1)	1
Riboflavin (B_2)	—
Niacin	½
Vitamin C	1
Calcium	2
Iron	3

and these amounts:

16 grams of Protein,
48 grams of Carbohydrate,
[redacted] grams of [redacted] and
310 Calories.

1 cup (in tomato sauce with cheese)

SPAGHETTI

provides these nutrients:

Nutrients	*Units*
Protein	½
Vitamin A	½
Thiamin (B_1)	1
Riboflavin (B_2)	½
Niacin	½
Vitamin C	1
Calcium	—
Iron	½

and these amounts:

5.2 grams of Protein,
32 grams of Carbohydrate,
[redacted] grams of [redacted] and
171 Calories.

1/2 cup

CORN

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	½
Vitamin C	1
Calcium	—
Iron	—

and these amounts:

2.5 grams of Protein,
20 grams of Carbohydrate,
[redacted] grams of [redacted] and
85 Calories.

1/2 cup

PEAS

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	1
Thiamin (B_1)	½
Riboflavin (B_2)	½
Niacin	½
Vitamin C	2
Calcium	—
Iron	1

and these amounts:

4.5 grams of Protein,
15.5 grams of Carbohydrate,
[redacted] grams of [redacted] and
88 Calories.

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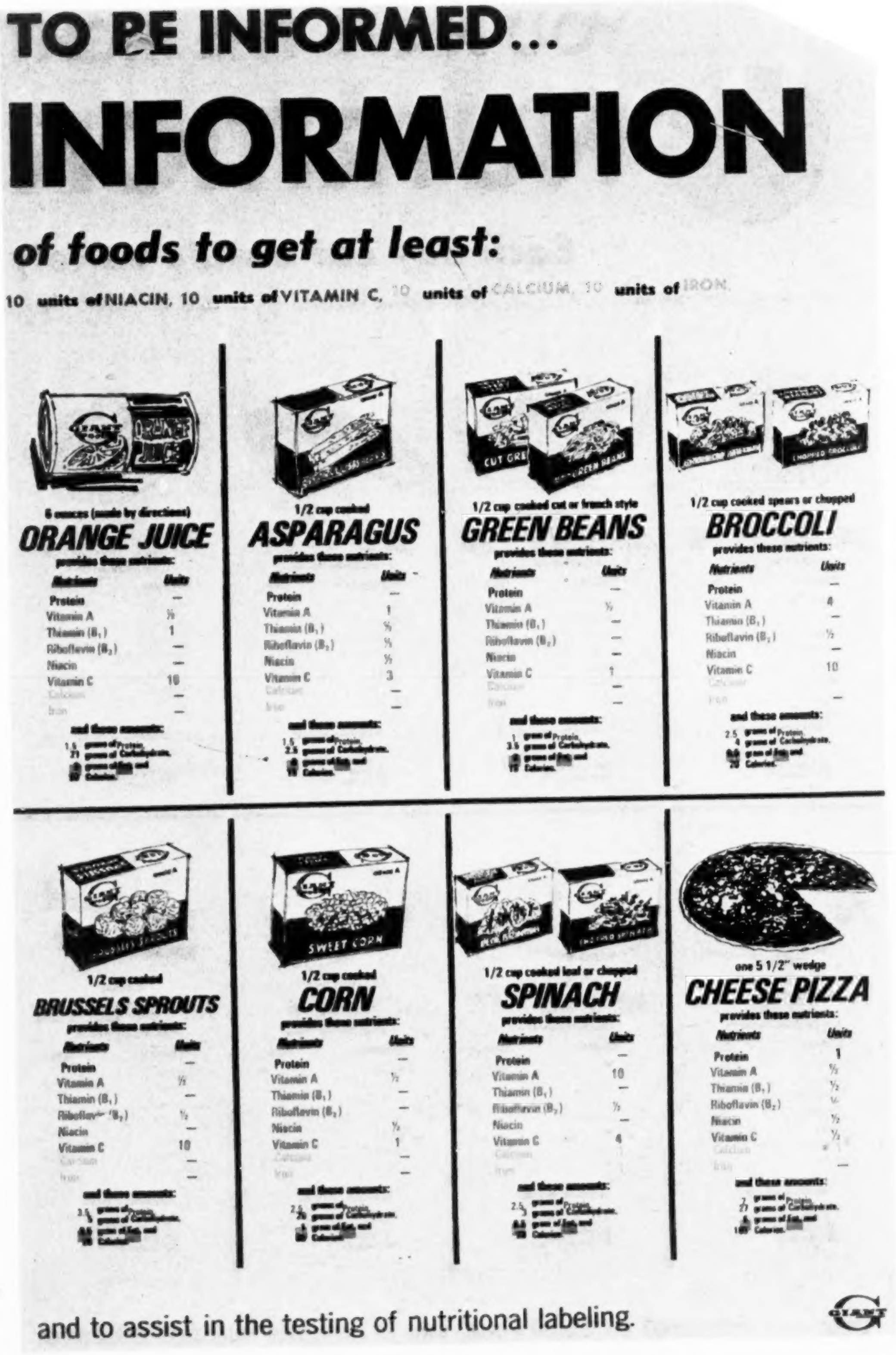

ORANGE JUICE
CUT GREEN BEANS
GREEN BEANS
CHOPPED BROCCOLI
BRUSSELS SPROUTS
SWEET CORN

TO BE INFORMED...

INFORMATION

of foods to get at least:

10 units of NIACIN, **10 units of** VITAMIN C, 10 **units of** CALCIUM, 10 **units of** IRON.

6 ounces (made by directions)

ORANGE JUICE

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	1
Riboflavin (B_2)	—
Niacin	—
Vitamin C	10
Calcium	—
Iron	—

and these amounts:

1.5 grams of Protein,
21 grams of Carbohydrate,
[illegible] grams of Fats and
[illegible] Calories.

1/2 cup cooked

ASPARAGUS

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	1
Thiamin (B_1)	½
Riboflavin (B_2)	½
Niacin	½
Vitamin C	3
Calcium	—
Iron	—

and these amounts:

1.5 grams of Protein,
2.5 grams of Carbohydrate,
[illegible] grams of Fats and
[illegible] Calories.

1/2 cup cooked cut or french style

GREEN BEANS

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	1
Calcium	—
Iron	—

and these amounts:

1 gram of Protein,
3.5 grams of Carbohydrate,
[illegible] grams of Fats and
[illegible] Calories.

1/2 cup cooked spears or chopped

BROCCOLI

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	4
Thiamin (B_1)	—
Riboflavin (B_2)	½
Niacin	—
Vitamin C	10
Calcium	[illegible]
Iron	—

and these amounts:

2.5 grams of Protein,
4 grams of Carbohydrate,
[illegible] gram of Fats and
20 Calories.

1/2 cup cooked

BRUSSELS SPROUTS

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	½
Niacin	—
Vitamin C	10
Calcium	—
Iron	—

and these amounts:

3.5 grams of Protein,
[illegible] grams of Carbohydrate,
[illegible] gram of Fats and
[illegible] Calories.

1/2 cup cooked

CORN

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	½
Vitamin C	1
Calcium	—
Iron	—

and these amounts:

2.5 grams of Protein,
[illegible] grams of Carbohydrate,
[illegible] gram of Fats and
[illegible] Calories.

1/2 cup cooked leaf or chopped

SPINACH

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	10
Thiamin (B_1)	—
Riboflavin (B_2)	½
Niacin	—
Vitamin C	4
Calcium	[illegible]
Iron	[illegible]

and these amounts:

2.5 grams of Protein,
3 grams of Carbohydrate,
[illegible] gram of Fats and
[illegible] Calories.

one 5 1/2" wedge

CHEESE PIZZA

provides these nutrients:

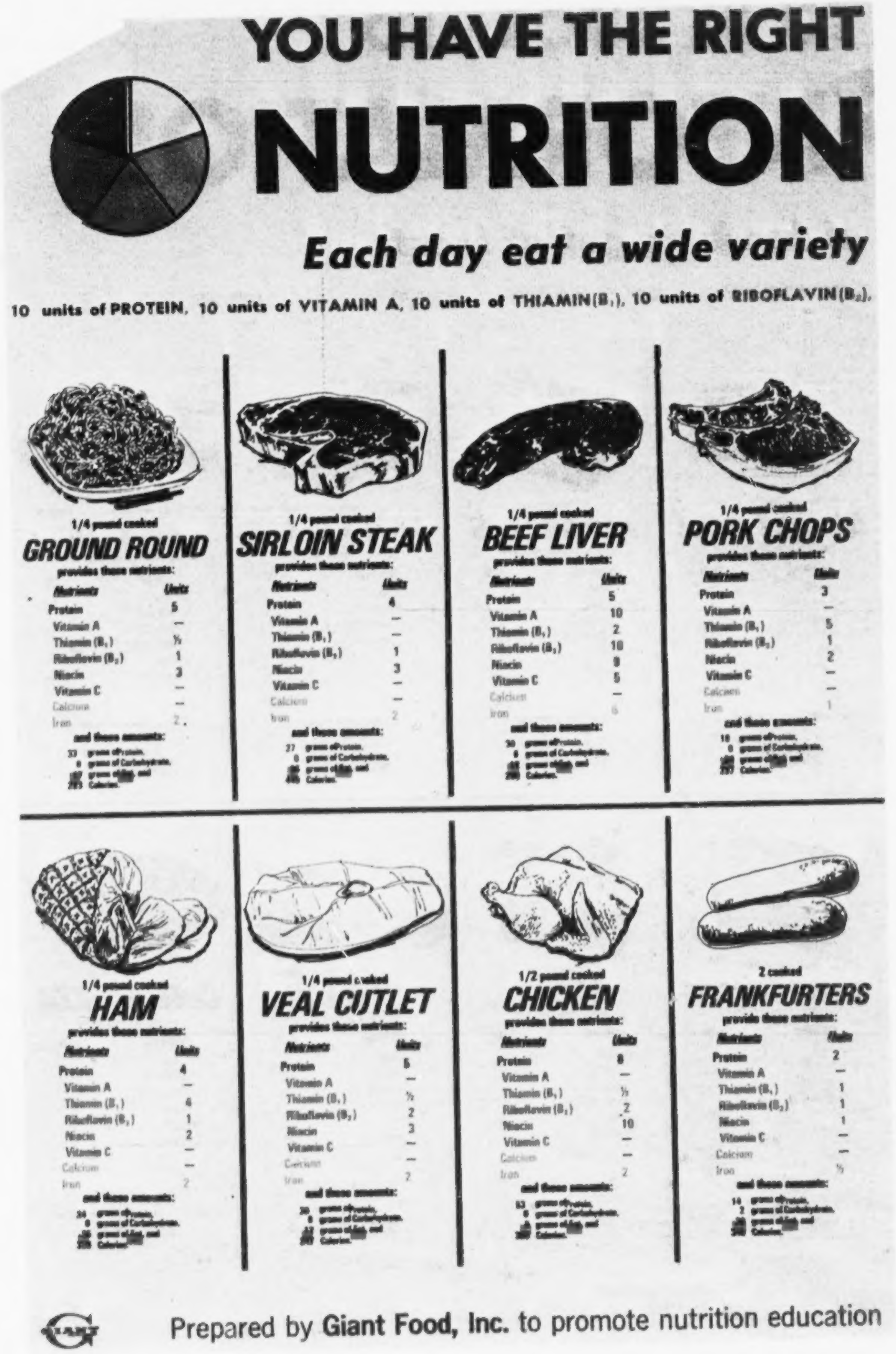
Nutrients	*Units*
Protein	1
Vitamin A	½
Thiamin (B_1)	½
Riboflavin (B_2)	½
Niacin	½
Vitamin C	½
Calcium	1
Iron	—

and these amounts:

7 grams of Protein,
27 grams of Carbohydrate,
[illegible] grams of Fats and
[illegible] Calories.

and to assist in the testing of nutritional labeling.

GIANT



YOU HAVE THE RIGHT NUTRITION

Each day eat a wide variety

10 units of PROTEIN, 10 units of VITAMIN A, 10 units of THIAMIN(B_1), 10 units of RIBOFLAVIN(B_2).

1/4 pound cooked

GROUND ROUND

provides these nutrients:

Nutrients	*Units*
Protein	5
Vitamin A	—
Thiamin (B_1)	½
Riboflavin (B_2)	1
Niacin	3
Vitamin C	—
Calcium	—
Iron	2

and these amounts:

33 grams of Protein,
0 grams of Carbohydrate,
[illegible] grams of fat, and
[illegible] Calories.

1/4 pound cooked

SIRLOIN STEAK

provides these nutrients:

Nutrients	*Units*
Protein	4
Vitamin A	—
Thiamin (B_1)	—
Riboflavin (B_2)	1
Niacin	3
Vitamin C	—
Calcium	—
Iron	2

and these amounts:

27 grams of Protein,
0 grams of Carbohydrate,
[illegible] grams of fat, and
[illegible] Calories.

1/4 pound cooked

BEEF LIVER

provides these nutrients:

Nutrients	*Units*
Protein	5
Vitamin A	10
Thiamin (B_1)	2
Riboflavin (B_2)	10
Niacin	9
Vitamin C	5
Calcium	—
Iron	6

and these amounts:

30 grams of Protein,
6 grams of Carbohydrate,
[illegible] grams of fat, and
[illegible] Calories.

1/4 pound cooked

PORK CHOPS

provides these nutrients:

Nutrients	*Units*
Protein	3
Vitamin A	—
Thiamin (B_1)	5
Riboflavin (B_2)	1
Niacin	2
Vitamin C	—
Calcium	—
Iron	1

and these amounts:

18 grams of Protein,
0 grams of Carbohydrate,
[illegible] grams of fat, and
[illegible] Calories.

1/4 pound cooked

HAM

provides these nutrients:

Nutrients	*Units*
Protein	4
Vitamin A	—
Thiamin (B_1)	4
Riboflavin (B_2)	1
Niacin	2
Vitamin C	—
Calcium	—
Iron	2

and these amounts:

24 grams of Protein,
0 grams of Carbohydrate,
[illegible] grams of fat, and
[illegible] Calories.

1/4 pound cooked

VEAL CUTLET

provides these nutrients:

Nutrients	*Units*
Protein	5
Vitamin A	—
Thiamin (B_1)	½
Riboflavin (B_2)	2
Niacin	3
Vitamin C	—
Calcium	—
Iron	2

and these amounts:

30 grams of Protein,
0 grams of Carbohydrate,
[illegible] grams of fat, and
[illegible] Calories.

1/2 pound cooked

CHICKEN

provides these nutrients:

Nutrients	*Units*
Protein	8
Vitamin A	—
Thiamin (B_1)	½
Riboflavin (B_2)	2
Niacin	10
Vitamin C	—
Calcium	—
Iron	2

and these amounts:

53 grams of Protein,
0 grams of Carbohydrate,
[illegible] grams of fat, and
[illegible] Calories.

2 cooked

FRANKFURTERS

provide these nutrients:

Nutrients	*Units*
Protein	2
Vitamin A	—
Thiamin (B_1)	1
Riboflavin (B_2)	1
Niacin	1
Vitamin C	—
Calcium	—
Iron	½

and these amounts:

14 grams of Protein,
2 grams of Carbohydrate,
[illegible] grams of fat, and
[illegible] Calories.

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TO BE INFORMED...

INFORMATION

of foods to get at least:

10 units of NIACIN, 10 units of VITAMIN C, 10 units of CALCIUM, 10 units of IRON.

1 cup
WHOLE MILK
provides these nutrients:

Nutrients	Units
Protein	1
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	2
Niacin	—
Vitamin C	—
Calcium	4
Iron	—

1 cup
SKIM MILK
provides these nutrients:

Nutrients	Units
Protein	1
Vitamin A	½
Thiamin (B_1)	½
Riboflavin (B_2)	3
Niacin	—
Vitamin C	—
Calcium	4
Iron	—

1/2 cup creamed
COTTAGE CHEESE
provides these nutrients:

Nutrients	Units
Protein	2
Vitamin A	—
Thiamin (B_1)	—
Riboflavin (B_2)	2
Niacin	—
Vitamin C	—
Calcium	1
Iron	—

1 cup fruit-flavored
YOGURT
provides these nutrients:

Nutrients	Units
Protein	½
Vitamin A	—
Thiamin (B_1)	½
Riboflavin (B_2)	2
Niacin	—
Vitamin C	—
Calcium	3
Iron	—

1 tablespoon
MARGARINE
provides these nutrients:

Nutrients	Units
Protein	—
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	—
Calcium	—
Iron	—

1 ounce processed
AMERICAN CHEESE
provides these nutrients:

Nutrients	Units
Protein	1
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	½
Niacin	—
Vitamin C	—
Calcium	2
Iron	—

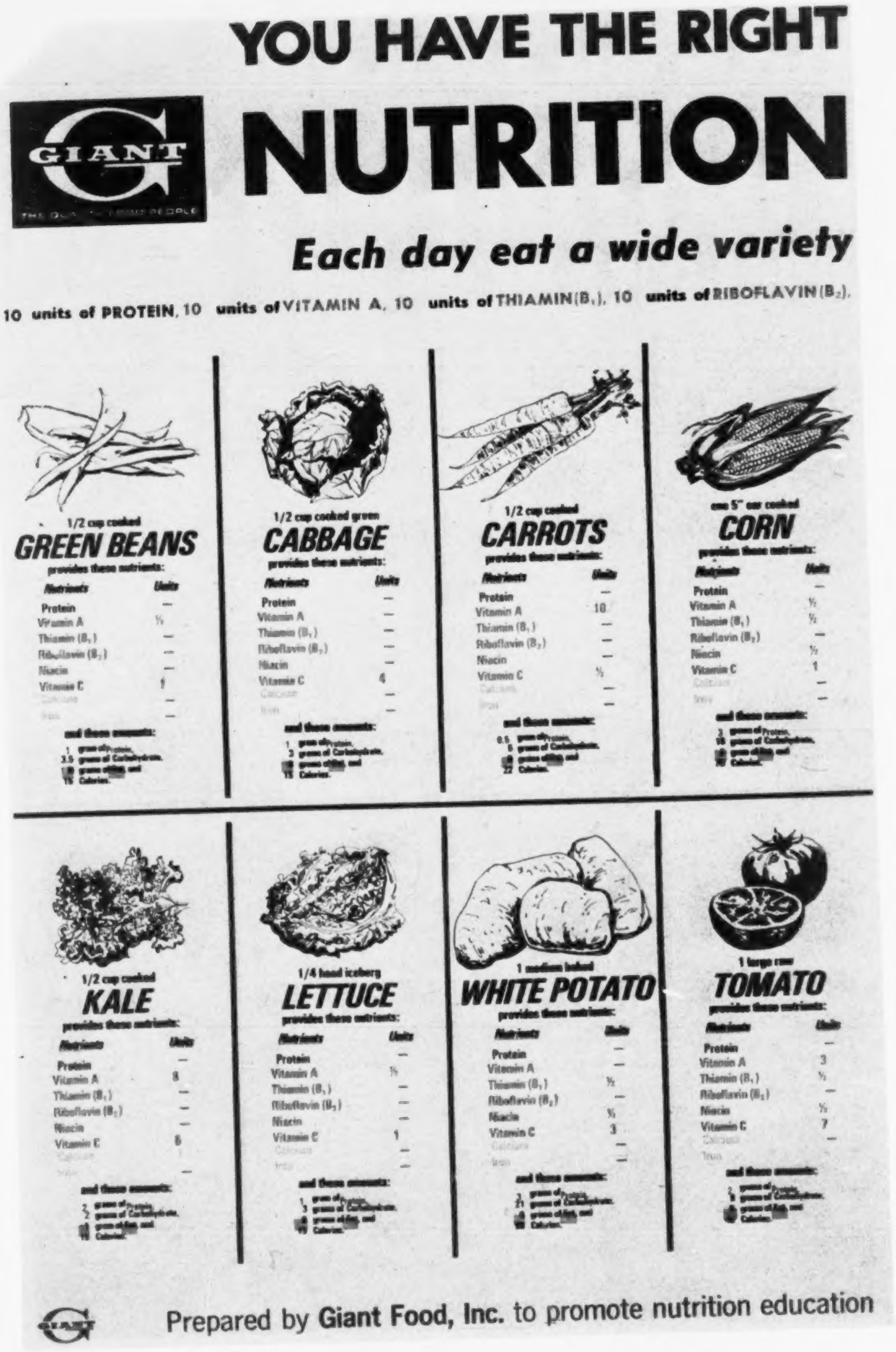
1 ounce natural
CHEDDAR CHEESE
provides these nutrients:

Nutrients	Units
Protein	1
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	½
Niacin	—
Vitamin C	—
Calcium	3
Iron	—

1 large cooked
EGG
provides these nutrients:

Nutrients	Units
Protein	1
Vitamin A	1
Thiamin (B_1)	—
Riboflavin (B_2)	½
Niacin	—
Vitamin C	—
Calcium	—
Iron	½

and to assist in the testing of nutritional labeling.



YOU HAVE THE RIGHT NUTRITION

Each day eat a wide variety

10 units of PROTEIN, 10 units of VITAMIN A, 10 units of THIAMIN(B_1), 10 units of RIBOFLAVIN(B_2),

1/2 cup cooked

GREEN BEANS

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	1
Calcium	—
Iron	—

and these amounts:

1 gram of Protein,
3.5 grams of Carbohydrate,
[illegible] grams of [illegible] and
15 Calories.

1/2 cup cooked green

CABBAGE

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	—
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	4
Calcium	—
Iron	—

and these amounts:

1 gram of Protein,
3 grams of Carbohydrate,
[illegible] grams of [illegible] and
15 Calories.

1/2 cup cooked

CARROTS

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	10
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	½
Calcium	—
Iron	—

and these amounts:

0.5 gram of Protein,
5 grams of Carbohydrate,
[illegible] grams of [illegible] and
22 Calories.

one 5" ear cooked

CORN

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	½
Riboflavin (B_2)	—
Niacin	½
Vitamin C	1
Calcium	—
Iron	—

and these amounts:

3 grams of Protein,
16 grams of Carbohydrate,
[illegible] grams of [illegible] and
[illegible] Calories.

1/2 cup cooked

KALE

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	8
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	6
Calcium	1
Iron	—

and these amounts:

2 grams of Protein,
2 grams of Carbohydrate,
[illegible] grams of [illegible] and
[illegible] Calories.

1/4 head iceberg

LETTUCE

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	½
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	1
Calcium	—
Iron	—

and these amounts:

1 gram of Protein,
3 grams of Carbohydrate,
[illegible] grams of [illegible] and
[illegible] Calories.

1 medium baked

WHITE POTATO

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	—
Thiamin (B_1)	½
Riboflavin (B_2)	—
Niacin	½
Vitamin C	3
Calcium	—
Iron	—

and these amounts:

3 grams of Protein,
21 grams of Carbohydrate,
[illegible] grams of [illegible] and
[illegible] Calories.

1 large raw

TOMATO

provides these nutrients:

Nutrients	*Units*
Protein	—
Vitamin A	3
Thiamin (B_1)	½
Riboflavin (B_2)	—
Niacin	½
Vitamin C	7
Calcium	—
Iron	

and these amounts:

2 grams of Protein,
9 grams of Carbohydrate,
[illegible] grams of [illegible] and
[illegible] Calories.

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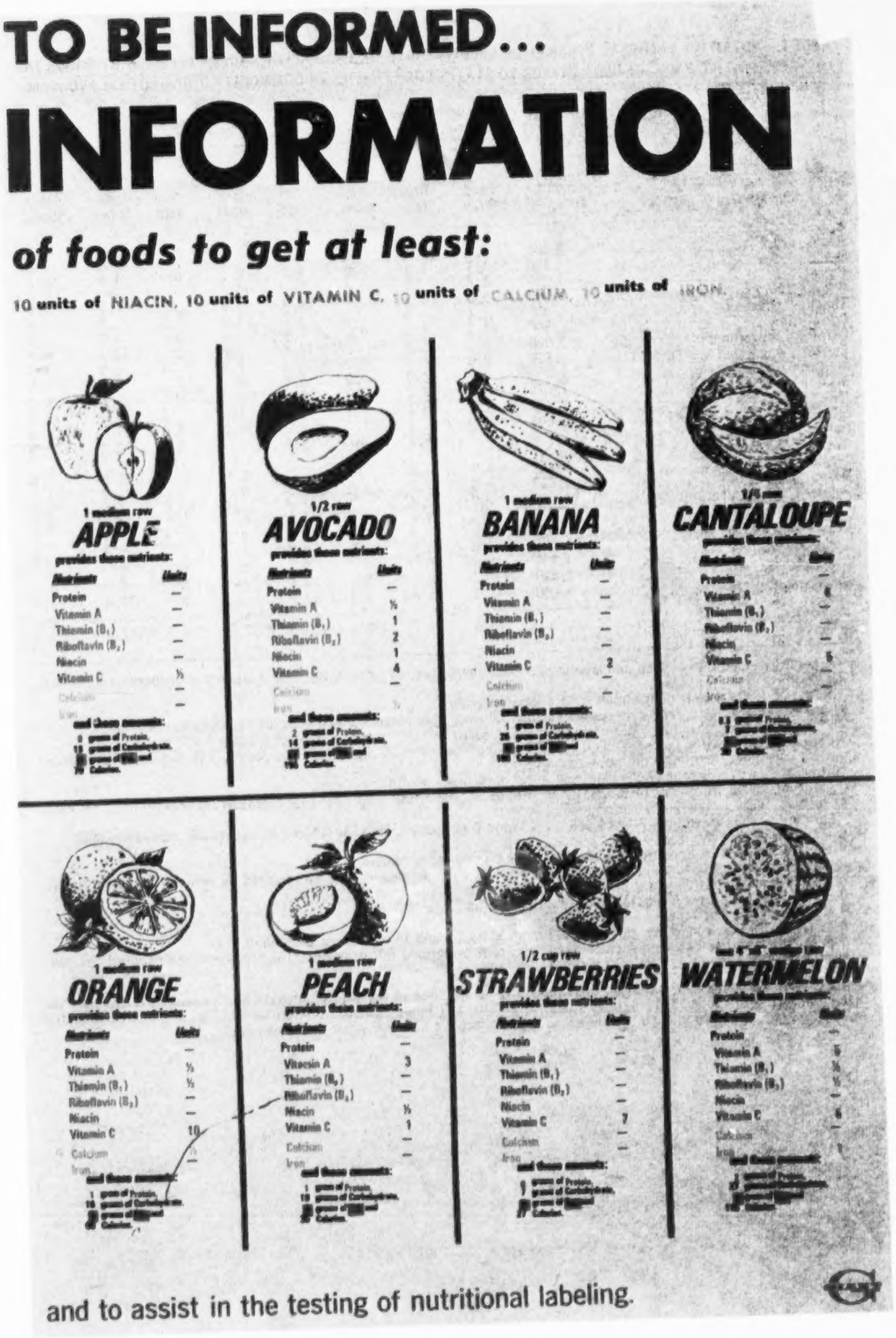

TO BE INFORMED...

INFORMATION

of foods to get at least:

10 units of NIACIN, 10 units of VITAMIN C, 10 units of CALCIUM, 10 units of IRON.

1 medium raw
APPLE
provides these nutrients:

Nutrients	Units
Protein	—
Vitamin A	—
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	½
Calcium	—
Iron	—

and these amounts:
0 grams of Protein,
18 grams of Carbohydrate,
[illegible] grams of [illegible] and
70 Calories.

1/2 raw
AVOCADO
provides these nutrients:

Nutrients	Units
Protein	—
Vitamin A	½
Thiamin (B_1)	1
Riboflavin (B_2)	2
Niacin	1
Vitamin C	4
Calcium	—
Iron	½

and these amounts:
2 grams of Protein,
14 grams of Carbohydrate,
[illegible] grams of [illegible] and
190 Calories.

1 medium raw
BANANA
provides these nutrients:

Nutrients	Units
Protein	—
Vitamin A	—
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	2
Calcium	—
Iron	—

and these amounts:
1 gram of Protein,
26 grams of Carbohydrate,
[illegible] grams of [illegible] and
100 Calories.

1/4 raw
CANTALOUPE
provides these nutrients:

Nutrients	Units
Protein	—
Vitamin A	6
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	5
Calcium	—
Iron	—

and these amounts:
0.5 grams of Protein,
7 grams of Carbohydrate,
[illegible]
30 Calories.

1 medium raw
ORANGE
provides these nutrients:

Nutrients	Units
Protein	—
Vitamin A	½
Thiamin (B_1)	½
Riboflavin (B_2)	—
Niacin	—
Vitamin C	10
Calcium	½
Iron	—

and these amounts:
1 gram of Protein,
16 grams of Carbohydrate,
[illegible] grams of [illegible] and
[illegible] Calories.

1 medium raw
PEACH
provides these nutrients:

Nutrients	Units
Protein	—
Vitamin A	3
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	½
Vitamin C	1
Calcium	—
Iron	—

and these amounts:
1 gram of Protein,
10 grams of Carbohydrate,
[illegible] grams of [illegible] and
[illegible] Calories.

1/2 cup raw
STRAWBERRIES
provides these nutrients:

Nutrients	Units
Protein	—
Vitamin A	—
Thiamin (B_1)	—
Riboflavin (B_2)	—
Niacin	—
Vitamin C	7
Calcium	—
Iron	—

and these amounts:
[illegible] grams of Protein,
[illegible] grams of Carbohydrate,
[illegible] grams of [illegible] and
[illegible] Calories.

[illegible]
WATERMELON
provides these nutrients:

Nutrients	Units
Protein	—
Vitamin A	5
Thiamin (B_1)	½
Riboflavin (B_2)	½
Niacin	—
Vitamin C	6
Calcium	—
Iron	1

and these amounts:
[illegible]

and to assist in the testing of nutritional labeling.

FROM DR. MICHAEL C. LATHAM

TABLE I.—NUTRITIVE VALUE, AS PERCENT OF RECOMMENDED DIETARY ALLOWANCES,[1] SUPPLIED BY FOODS IN REPRESENTATIVE PACKAGE USDA OFFERS TO STATES FOR FAMILIES IN COMMODITY DISTRIBUTION PROGRAM, FEBRURAY 1971

[Subject to change without notice]

Representative package	Amount per person per month [2] (pounds)	Food energy	Protein	Calcium	Iron	Vitamin A value	Ascorbic acid	Thiamine	Riboflavin
Beans, dry	2.000	4.3	13.1	4.5	19.4	0	0	16.2	4.7
Bulgur	.500	1.1	1.6	.2	2.3	0	0	1.8	.7
Butter	1.250	5.6	.2	.4	0	13.7	0	0	0
Cheese, Cheddar, process	1.250	2.9	8.5	13.7	1.4	5.0	--------	.2	5.4
Tomatoes, canned [3]	1.000	.1	.3	.1	.6	3.0	5.2	.6	.3
Corn Grits [4] [5]	.500	1.1	1.3	0	2.9	.7	0	2.7	1.4
Cornmeal, degermed [4] [5] [6]	2.500	5.7	5.8	.2	14.4	3.7	0	13.7	6.9
Egg mix, scrambled, dehydrated	.562	2.0	5.9	4.5	3.4	4.2	.3	1.9	7.0
Macaroni, wheat-soy [7]	1.000	2.2	4.8	.9	3.6	0	0	11.0	3.9
Meat, chopped, canned	1.875	3.5	8.2	.3	5.2	0	0	7.2	4.1
Milk, evaporated [8]	1.812	1.6	3.7	7.2	.2	1.9	.6	.9	6.4
Milk, nonfat dry, instant [9]	4.000	9.0	41.9	81.2	3.0	29.2	8.6	17.4	74.8
Oats, rolled [10]	1.500	3.7	6.2	1.2	8.4	0	0	11.2	2.2
Orange juice,sweetened, canned [6] [11]	3.108	1.0	.6	.5	1.5	2.1	37.8	2.7	.6
Peanut butter	1.000	3.6	7.5	1.0	2.5	0	0	1.6	1.3
Potatoes, dehydrated granules [12]	1.000	2.2	2.4	.7	3.0	11.7	53.6	2.0	1.2
Pork/natural juices [13]	1.812	2.5	9.1	.4	5.9	0	0	10.4	3.2
Prunes, dried	.500	.7	.3	.3	2.1	2.3	.4	.5	.7
Rice, regular [14]	1.500	3.4	2.9	.6	8.6	0	0	8.2	.5
Shortening [6] [15]	1.500	8.3	0	0	0	0	0	0	0
Sirup, corn	1.490	2.7	0	1.1	7.6	0	0	0	0
Wheat flour, all-purpose [16]	5.000	11.4	15.4	1.3	17.8	0	0	27.4	13.9
Total		78.6	139.7	120.3	113.8	[17] 77.5	106.5	137.6	139.2

[1] 1 person in family of 4: Man and woman, 22 to 35 years; boy, 11; girl, 8. National Academy of Sciences—NRC, Pub. 1964, 1968.

[2] Based on USDA family distribution for a 4-person family.

[3] May be replaced by cream-style corn, whole kernel corn, green beans, green peas, or applesauce.

[4] Vitamin A values based on yellow varieties; white varieties contain only a trace of vitamin A value.

[5] Enriched: 21 mg. iron, 2 mg. thiamine, 1.2 mg. riboflavin, and 16 mg. niacin per pound. The same nutritive values apply for corn flour, offered in the same amount.

[6] Alternate package size may change amount per person per month somewhat.

[7] Enriched: 13 mg. iron, 4 mg. thiamine, 1.7 mg. riboflavin, and 27 mg. niacin per pound. May be replaced by milk macaroni.

[8] Fortified: 360 I.U. vitamin D per pound.

[9] Fortified: 9,980 I.U. vitamin A and 1,996 I.U. vitamin D per pound. May be replaced by noninstant, nonfat dry milk.

[10] May be replaced by rolled wheat.

[11] May be replaced by apple juice, unsweetened orange juice, or tomato juice.

[12] Fortified: 16,000 I.U. vitamin A and 798 mg. ascorbic acid per pound. May be replaced by dehydrated potato flakes.

[13] May be boned poultry or beef or pork in natural juices.

[14] Enriched: 21 mg. iron, 2 mg. thiamine, and 16 mg. niacin per pound.

[15] May be replaced by lard.

[16] Enriched: 13 mg. iron, 2 mg. thiamine, 1.2 mg. riboflavin, and 16 mg. niacin per pound.

[17] Based on preformed vitamin A (with 80 percent of A preformed R.D.A. is 2,600 I.U.) foods offered supply 129.1 percent of R.D.A. for vitamin A.

Note: Nutritive values are based on the commodity as specified in the USDA purchase announcement of the date indicated in ARS (CFE) June 19, 1970, table 7, Nutritive Value of 1 Pound of Foods Offered for Families in Commodity Distribution Program. Changes in such specifications might affect the nutritive value of the commodity.

TABLE II.—SUMMARY OF NUTRITIVE VALUE, AS PERCENT OF RECOMMENDED DIETARY ALLOWANCES,[1] SUPPLIED BY FOODS IN REPRESENTATIVE PACKAGE OFFERED AND DISTRIBUTED BY USDA TO STATES FOR FAMILIES IN COMMODITY DISTRIBUTION PROGRAM, JUNE 1, 1970

Nutrient	Foods offered by USDA[2]	Foods actually distributed[3]
Food energy	82	60
Protein	156	104
Calcium	137	73
Iron	124	91
Vitamin A value[4]	136	87
Ascorbic acid	105	90
Thiamin	138	101
Riboflavin	154	91

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[1] National Academy of Sciences-National Research Council, pub. 1694, 1968. RDA based on average allowances for 1 person in family of 4 (man and woman, 22 to 35 years; boy, 11 years and girl, 8 years).

[2] Representative package of 26 foods in average amounts suggested by USDA for 1 person in 4-person household: applesauce, dry beans, bulgur, butter, cheese, canned whole-kernel corn, corn grits, cornmeal, dry lentils, milk macaroni, canned chopped meat, evaporated milk, regular nonfat dry milk, rolled cats, canned orange juice, peanut butter, dry split peas, dehydrated potato granules, canned boned poultry, dried prunes, raisins, rice, shortening, scrambled egg mix, corn sirup, and all-purpose wheat flour. The list of foods, and amounts of single foods are subject to change without notice.

[3] Amounts of 26 foods in representative package based on records of distribution to families, 1969, except applesauce, lentils, and macaroni which are estimated.

[4] Assumes 75 percent is performed vitamin A.

TABLE III.—THE NUTRIENT GAP—DIFFERENCES BETWEEN PROMISE AND DELIVERY

[Nutrient value as percent of recommended dietary allowances. Cols. 1 and 2, as per previous table, are foods offered and foods actually distributed by USDA. Col. 3 is an estimate based on 20 percent lowering of nutrient percentages in col. 3 due to nonutilization, wastage, etc. Col. 4 is 25 percent reduction in nutrient figures in col. 3 for a model family with high nutrient needs]

[In percent]

Nutrient	Promise—Nutrients from foods offered by USDA (1)	Delivery— Nutrients from foods actually distributed by USDA (2)	Delivery— Nutrients reduced by 20 percent due to loss by non-utilization, wastage, etc. (3)	Delivery— Nutrients reduced for hypothetical family with requirements 20 to 30 percent above USDA family (4)
Food energy (calories)	82	60	48	39
Protein	156	104	83	67
Calcium	137	73	58	47
Iron	124	91	73	59
Vitamin A	136	87	70	56
Ascorbic acid (vitamin C)	105	90	72	58
Thiamin	138	101	81	65
Riboflavin	154	91	73	59

TABLE IV.—NUTRIENT VALUE AS PERCENT OF RDA PROVIDED BY THE COMMODITY DISTRIBUTION PROGRAM IN TOMPKINS COUNTY, JANUARY 1970, PER PERSON,[1] IN 4-MEMBER FAMILY [2]

Commodities	Amount per 4-person family per months	Amount per person per month (pounds)	Percent							
			Cal.	Pro.	Ca	Fe	A	C	Th.	Ribo.
Evaporated milk	8 (13-ounce) cans	1.8	1.6	3.7	7.2	0.2	1.9	0.6	0.9	6.4
Butter	4 pounds	1.0	4.5	.2	.3		10.9			
Lard	2 pounds	.5	2.8							
Cheese, cheddar	5 pounds	1.25	2.9	8.5	13.7	1.4	5.0		.2	5.4
Chopped meat (beef, chicken, turkey)	8 (3-ounce) cans	3.76	7.0	16.4	.6	10.4			14.4	8.2
Peanut butter	2½ pounds	.6	2.2	4.5	.6	1.5			1.0	.7
Rolled oats	6 pounds	1.5	3.7	6.2	1.2	8.4			11.2	2.2
Instant mashed potatoes	4 pounds	1.0	2.2	2.4	.7	3.0	11.7	53.6	2.0	1.2
Flour	10 pounds	2.5	5.7	7.2	.6	8.9			13.7	7.0
Dry noninstant skim milk	4½ pounds	1.1	2.5	11.5	22.3	.8	8.0	2.4	4.8	21.6
Rice	2 pounds	.5	1.1	1.0	.2	2.9			2.7	.2
Dry beans	do	.5	1.1	3.3	1.1	4.8			4.0	1.2
Raisins [3]	do	.5	.9	.4	.5			.2		
Scrambled egg mix	36 ounces	.56	2.0	5.9	4.5	3.4	4.2	.3	1.9	7.0
White corn syrup	4 pints	1.4	2.7		1.1	7.6				
Canned vegetables [4] (green beans)	4 (17-ounce) cans	1.0	1.3	.4	.6	1.7	1.1	2.0	.8	.7
Canned fruit [5]	4 (29-ounce) cans	1.8	.6	.2	.2	.8	3.7	2.2		.7
Total percent RDA provided			44.8	71.8	55.4	55.8	46.5	61.3	57.6	62.5

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[1] Average RDA per person in specified 4-member family was calculated as mean or RDA for each member.

[2] Family of 4 consist of: Man aged 22–35, woman aged 22–35, boy age 11, girl age 8.

[3] 4 5 percent RDA provided calculated using U.S. Handbook No. 8 and RDA for specified family.

[4] Vegetable provided more frequently than tomatoes, corn or applesauce.

[5] Canned fruits, rather than juice provided, therefore nutrient composition of fruit cocktail we used to calculate percent RDA.

LEAGUE OF WOMEN VOTERS OF TOMPKINS COUNTY,
Ithaca, N.Y., September 10, 1971.

THE COMMODITY DISTRIBUTION PROGRAM IN TOMPKINS COUNTY, NEW YORK: A PROGRAM FOR THE NON-WORKING POOR WITH A CAR

The Commodity Distribution Program was the food assistance program for low income families in Tompkins County until July, 1970, when it was replaced by the Food Stamp Program. During 1969–70 the League of Women Voters studied the program—its coverage, administration, and treatment of recipients. They also questioned recipients to find out if it was easy for them to participate.

PROBABLE NUMBER OF FAMILIES ELIGIBLE FOR THE PROGRAM

Using 1960 census figures on family income and family size and the eligibility figures for the Commodity Distribution Program (January 1970), the League of Women Voters estimated the number of families who were probably eligible for the Commodity Distribution Program in each part of Tompkins County:

Area:	*Number of families*
Ithaca City	1,226
Caroline	129
Danby	133
Dryden	420
Enfield	114
Groton	273
Ithaca Town	301
Lansing	235
Newfield	158
Ulysses	195
Total	3,224

NUMBER OF FAMILIES SERVED

How many families were being served by the Commodity Distribution Program? No more than 450 to 480 a month! Scarcely 15% of those seemingly eligible for it!

SOME REASONS FOR LOW COVERAGE

Many obstacles stood between the family eligible for commodities and the commodities:

1. **The program was not publicized by those administering it; consequently** many families either did not know it existed or, if they did, did not know how to apply for it.

2. **All applications for the program had to be made at one place in the county (in the middle of Ithaca)** and to one person (who sat in front of a Snoopy poster declaring "I love mankind, it's people I can't stand!") Since Tompkins County has negligible public transportation, the poor without the use of a car had great difficulty making the trip to the application office.

3. **Commodities were distributed only one day each month (the second Monday),** from one distribution point (in the outskirts of Ithaca), for a limited number of hours (9:00 to 4:30 p.m.). **Since *no* public transportation was available** to the distribution site, **private transportation, one's own or a friend's, was an** absolute necessity. **If families failed to pick up commodities two consecutive** months, they needed to reapply for the program.

4. **Commodities were brought to the distribution site the morning of the day** of distribution. Consequently, when weather conditions were bad, or the truck had problems, commodities arrived late, were ready for distribution late, and were distributed late. **Waiting was not easy for the recipients in winter in the** snow or in the summer in the heat. **Since children were not supposed to be** taken in to the distribution area, **they were often left in locked cars (too hot in** the summer, too cold in the winter) **or left home (sometimes alone).**

SURVEY OF RECIPIENTS AT COMMODITY DISTRIBUTION CENTER

On January 12, 1970 members of the League of Women Voters asked families who had come to the distribution center to answer a questionnaire about the

Commodity Distribution Program. 148 questionnaires were completed. The answers provided are important:

1. Do you presently have a job? 21% Yes; 79% No.
2. If you work, do you need to take time away from work *without pay* to come for the commodities? 85% Yes; 15% No.
3. How do you come to the distribution center? 50% In own car; 45% In a friend's car; 5% In a taxi or on foot.
4. Does lack of transportation sometimes prevent you from picking up the commodities? 20% Yes; 80% No.
5. What time during the day do you come to the distribution center? 67% 9:00–12:00 noon; 33% 12:00–4:00 p.m.
6. Would you prefer to come some other time? 17% Yes, before 9:00 a.m.; 15% Yes, after 4:00 p.m.
7. How long does it take you to drive to the distribution center, pick up the commodities and return home? 24% Under 1 hour; 45% 1–2 hours; 14% 2–3 hours; 9% 3–4 hours; 8% Over 4 hours.
8. How long do you wait at the distribution center before receiving the commodities? 21% ½ hour; 15% ½–1 hour; 21% 1–1½ hours; 27% 1½–2 hours; 7% 2–2½ hours; 4% 2½–3 hours; 5% Over 3 hours.
9. If you know other families who might be eligible for the program, why don't they apply for it? "Because they don't have the time"; "Because they don't have the transportation"; "They work."

WHO WAS SERVED BY THE COMMODITY DISTRIBUTION PROGRAM?

Those who knew the program existed and how to apply for it.

Those with the time to travel to and wait at the application office and distribution center during working hours.

Those with transportation facilities primarily their own car (not the usual possession of poor families).

Those not working or who, if working, could make arrangements to be away from work to pick up commodities.

Those in good enough health to travel, wait in line, and carry boxes of commodities.

Those able to make arrangements for the care of children and other dependents in their absence.

SOME COMMENTS

There is an underlying assumption that, although the poor do not have money, they have time. Therefore, large amounts of their time are swallowed up as they apply for and wait for programs that are supposed to serve them. Even when they become participants, the demands on their time do not stop. For example, in the Commodity Distribution Program the homemaker, whether she has the facilities and skills or not, needs to find the time to bake so she can use all the flour, lard and corn syrup she is given. That time would be saved if she could buy baked goods, especially bread. One wonders whether a nutrition aide working in the Expanded Nutrition Education Program would advise a family to use its food stamps to buy the items offered in the Commodity Distribution Program and in the amounts given. Who regularly buys 1 pint of white corn syrup per person per month when sugar is so much more usable and acceptable?

Being poor takes time. Worse yet, it takes time away from helping oneself back to self-sufficiency. Should not programs meant to help the poor be designed and administered to serve them more efficiently and effectively? The Commodity Distribution Program with its restricted list of foods, and its many problems in administration and distributions leads one to question both its efficiency and effectiveness.

Mrs. LIN EMMONS, *Chairman*,
Mrs. VIRGINIA AHRENS.
Mrs. JANET FITCHEN.
Mrs. NANETTE HANSLOWE.
Mrs. DEBRAH HOGUE.
Mrs. HELEN MORSE.
Mrs. ANNE MARGOT NASJLETI.
Mrs. JULIE RINEHART.
Committee on Food Assistance Programs.

FROM SUSAN BOLGER

THE BOSTON PACKAGE, AUGUST 1971 (COMPOSITION FIGURES FROM USDA TABLES; JUNE 1, 1970; AND BOWES AND CHURCH, FOOD VALUES . . . 1966)[1]

	Percent low-cost plan[2]	Percent									
		Calories	Protein	Vitamin A	Vitamin D	Vitamin C	Thiamine	Calcium	Iron	Folic acid[3]	Iodine[4]
Child 4 to 6 years	55	87	197	173	85	100	100	165	66	(5)	(5)
Child 8 to 10 years	45	63	148	123	85	100	72	132	66	(5)	(5)
Boy 14 to 18 years	29	46	99	86	85	72	52	94	36	(5)	(5)
Girl 14 to 16 years	35	58	107	86	85	80	66	101	36	(5)	(5)
Man 22 to 35 years	33	50	90	86	....	66	57	165	66	(5)	(5)
Woman 22 to 35	38	70	107	86	....	72	80	165	36	(5)	(5)
Man 55 to 75+	39	58	90	86	....	66	66	165	66	(5)	(5)
Woman 55 to 75+	47	81	107	86	....	72	80	165	66	(5)	(5)
Woman pregnant	32	64	90	72	85	66	72	110	18	(5)	(5)
Woman nursing	28	46	65	54	85	66	53	101	18	(5)	(5)
USDA figures actually distributed[6]		60	104	87	(7)	90	101	73	91	(5)	(5)

[1] Prepared by Susan Bolger.

[2] Surplus package costed in neighborhood "discount" supermarket.

[3] Primarily in green leafy vegetables, yeast, liver, other greens, kidney, beef, wheat—deficiency, if any, subclinical except in pregnancy.

[4] Primarily foods from seaboard areas and fortified salt-deficiency manifested by simple goiter, on increase in midwest and south.

[5] Not calculated.

[6] From USDA table—Summary of Nutritive Value, as percent of recommended dietary allowances; June 1, 1970.

[7] Not listed.

NOTE: Fat equal 40 percent total calories; Saturated fats equal 97 percent total fat.

FROM EDYTHE ROBERTSON

Food Preferences of College Students and Nutritional Implications

a study by:
United States
Department of Agriculture

based on surveys
conducted by:
A R A School & College Services

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SUMMARY–The food preferences of approximately 50,000 college students representing 1% of the college enrollment in the United States during the 1966–1967 school year were analyzed. The responses were collected on a regional basis, subdivided as to sex and were reported as national and regional totals. Two hundred and seven food items were surveyed. Foods were ranked in terms of percent Liked, Disliked and Do Not Know. Median and percentile groupings for each food class, as well as for all foods, were calculated. The relationships between food preferences and nutritional values of foods were examined. The percent of the recommended dietary allowance provided by one serving of a given food item was calculated for vitamin A, vitamin C, calcium and iron. The results indicated that if food preferences were the sole determinant of food intake, then the dietary intake would be low in vitamin A. In fact, the best sources of vitamin A were among the most disliked foods in the entire survey. The relationship between food preferences and possible vitamin C and calcium deficiencies was not clear-cut. Except for liver, one of the best sources of dietary iron, there was little evidence that food preferences discriminated against foods containing significant amounts of iron.

INTRODUCTION

THIS STUDY is a report of the food preferences of college students. The data, obtained from the ARA Services, Inc. (ARA), have been analyzed and a rank of the liked and disliked foods established. In addition, the nutritional contribution of representative foods has been calculated. The study reported here represents a first step in establishing the relationships that exist among texture and flavor of foods, food preferences and the nutritional value of foods. The objective of these investigations is to identify nutritionally significant foods that are disliked, in order ultimately to increase their acceptability by remedying texture and flavor defects or by educating the consumer to accept these foods because of their nutritional value, or both.

Studies of food preference and acceptance have been of particular interest to the Quartermaster Corps. Kamen et al. (1967), in a survey of the food preferences of servicemen, found that bread was the most-liked food class, followed in decreasing order of preference by fruits, desserts, main dishes, beverages, potatoes and starches, cereals, accessory foods, soups, salads and vegetables. An earlier study of Peryam et al. (1962) also indicated that breads were the most popular class, but the lesser-liked classes were ranked in a slightly different order. It is noteworthy that vegetables were the most-disliked food class in both surveys.

A study of vegetable acceptance was conducted by Van Riter (1956) in a college women's dormitory. She found that acceptance for green beans, wax beans, peas, potatoes and corn was in excess of 80%. Strongly flavored vegetables such as turnips, broccoli and red cabbage were not well accepted.

Studies directly relating food· preference to nutritional value have not come to our attention.

EXPERIMENTAL

THE DATA were collected during the 1966–1967 school year from approximately 200 colleges and universities around the country and represent more than two million bits of information obtained from 50,000 college students, approximately 1% of the total college enrollment in the United States at that time. The responses from the schools were collected on a regional basis and reported as national and regional totals. In addition, both the national and regional totals were subdivided by sex. Information was also provided as to the food preferences of the students by age and ethnic group. However, since this information was limited, it is not reported at this time.

Students were queried about their food likes and dislikes in the following manner. Food preference questionnaires were presented during the noon meal-hour to all students eating in the college dining facilities. A portion of the questionnaire and the accompanying instructions are shown in Figure 1. The students were asked to check Like a Lot, Like, Do Not Know or Dislike for each of approximately 55 foods. Do Not Know responses reflect either unfamiliarity or a lack of preference for a given food. For the purposes of this study, Like a Lot and Like have been combined into one category, Like.

Altogether, 207 food items were surveyed. These items included all types of foods distributed among several questionnaires. Foods belonging to the same class were not listed together. It is assumed that the random listing helped the student make an independent judgment regarding each food and minimized the tendency to make comparative judgments. Some items appeared on more than one list; thus, the number of responses for a given food ranged from about 8,000 to approximately 28,000.

The data were expressed as a percentage of the total response for that food. For example, if 20,000 students responded to roast turkey and 18,000 checked Like, then the percentage of preference was 90%. The remaining 10% may have been divided between 8% Dislike and 2% Do Not Know, or 1,600 and 400 students, respectively. A food which is not well liked is not necessarily disliked, since that food may have received a high Do Not Know response.

The analysis of data was begun by ranking all foods in terms of percent Liked, Disliked and Do Not Know. This enabled calculation of both median and percentile groupings for each food class, as well as of all foods included in the study.

Food composition data

ARA made available the recipes used to prepare the foods listed in their questionnaire as well as the size of an average serving. The

Fig. 1–Portion of actual food preference questionnaire example.

Menu item	Like a Lot	Like	Do Not Know	Dislike
Orange sherbet	----	----	----	----
Buttered kale	----	----	----	----
Chicken cacciatore	----	----	----	----
Apple juice	----	----	----	----

The food preference questionnaire on this page is one of several containing representative foods of all types. No one list is complete, so do not be concerned if there are other menu items about which you would like to comment. Opposite each item on your questionnaire place a mark in the column which best describes how you feel about the food. When making your choices, think of the foods as served to you here; if they have not been served, then think of them in the form in which you have eaten them elsewhere. Please give us your honest opinions–not those of your neighbors. This is not a test of your knowledge of foods.

Table 1–The 10% of all surveyed foods best liked by college students.

Percent liked	Menu item
94	Ice cream
94	Soft rolls
92	Beef steak
92	Hot biscuits
92	Milk
92	Orange juice
91	Roast turkey
90	Roast beef
89	Apple pie
89	Fried chicken
89	Ice cream sundae
89	Strawberry shortcake
88	Doughnuts
88	French-fried potatoes
88	Hamburger
88	Sliced peaches
87	Chocolate-chip cookies
87	Fruit cup
86	Brownies
86	Tossed green salad

Table 2–The 10% of all foods surveyed least liked by college students.

Percent disliked	Menu item
68	Sautéed chicken livers
66	Turnips
62	Sautéed liver
61	French-fried eggplant
58	Cabbage
58	Pickled beets
57	Baked squash
57	Stewed tomatoes
56	Carrot-raisin salad
56	Stewed rhubarb
54	Stewed prunes
53	Cream cheese and jelly sandwich
53	Navy bean soup
52	Cucumber and onion salad
51	Cauliflower
51	Soft-cooked eggs
49	Stuffed pepper
48	Brussels sprouts
48	Lamb stew
48	Succotash
48	Sauerkraut

Table 3–The 10% of all foods surveyed receiving the most Do Not Know responses from college students.

Percent do not know	Menu item
52	Grilled reuben sandwich
49	Cheese blintzes
45	Kale
40	Welsh rarebit
37	Spanish omelet
36	Vegetable aspic
33	Purple plum cobbler
31	Chicken cacciatore
31	Lemon snow pudding
30	Peach and cranberry salad
30	Veal scaloppine
29	Jellied bing çherry salad
27	Beef turnover
26	Cinnamon pear salad
26	Corn fritters and bacon
26	Lamb stew
26	Veal fricassee
25	Baked swordfish
25	Beef barley soup
25	Grits
25	Hungarian goulash

amounts of vitamin A, vitamin C, calcium and iron per serving were calculated for most of the foods in this study. The primary data sources on food composition were Agriculture Handbook No. 8, Composition of Foods (1963); and Nutritive Value of Foods, Home and Garden Bull. No. 72 (1964). When information was not available in either of these primary sources, data were obtained from Food Values of Portions Commonly Used (1963). For multicomponent recipes, a given nutrient content per serving was calculated by adding together the amount of the nutrient present in each ingredient of the recipes. Thus, in Table 8, Beef Stew and Chicken Pot Pie are listed as good sources of vitamin A. The vitamin A content is derived from the carrots called for by these recipes.

RESULTS & DISCUSSION

Specific food preferences

The most popular foods among college students are presented in Table 1. For example, milk, beef steak, hot biscuits and orange juice were liked by 92% of all the students who responded to those items. This list contains many desserts, but only one potato item and no vegetables. However, tossed green salad, composed of raw vegetables, is on this list. When these foods are compared to those preferred by the servicemen, it is found that the ten most-liked foods (fresh milk, hot rolls, hot biscuits, strawberry shortcake, grilled steak, ice cream, ice cream sundae, fried chicken, French-fried potatoes and roast turkey) are all among the foods most liked by the college students.

The foods which were extremely disliked appear in Table 2 in order of decreasing percent disliked. On this list, there are a large number of vegetable items and no desserts. Sautéed chicken liver, the most disliked entrée item, was also the most disliked of all foods in the survey. It occupies the top position on the disliked list. Reviewing the other items reveals that the term stewed may be related to the dislike of certain foods since stewed tomatoes, stewed rhubarb and stewed prunes as well as lamb stew are all found in this group.

The third class of foods are those which received a large number of Do Not Know responses. These foods are listed in Table 3. Unfamiliarity with either the food or the name may have prompted this response. Foods such as kale, grits and grilled reuben sandwiches are known only in certain areas of the country. Chicken cacciatore, veal scaloppine and veal fricassee may have been eaten and enjoyed, but the names of these items on the questionnaire may not have been linked with the foods.

The following foods received few Do Not Know responses: orange juice, hamburger, roast beef, fried chicken, ice cream, milk and spaghetti. These are foods to which most everyone has been exposed and, consequently, has had an opportunity to make preference decisions.

Preference according to food class

All the food items in the survey have been separated into one of ten food classes which include: breakfast items, appetizers, soups, salads, sandwiches, entrées, vegetables, desserts, breads and beverages. These classes and the most liked and disliked in each are shown in Table 4. This table should be examined in conjunction with Figure 2, which has been designed to facilitate comparisons between food classes. In Figure 2, the median values of all items in each class are related.

It should be noted that even though cornbread was the most disliked of the bread class, it was disliked by only 23%. This class is so well liked that the least popular member is better liked than almost one-half of the other foods in the survey.

Of all the food classes, bread is the most popular, since it has a median percent Like of 92. The next popular class is the beverages, but now the median has dropped to 78% Liked. Desserts, sandwiches and appetizers rank close together, with 71, 70 and 69% Liked for the median in each class, respectively. These five classes are above the median for the entire survey, which is 63% Liked. Entrées, salads, breakfast items and vegetables are less popular classes, with median percentage values of 55, 53, 52 and 51, respectively. Finally, the tenth class, and least popular is soup, which had a median score of 43% Liked.

When these findings are related to the food preference of servicemen as studied by the Quartermaster Corps, it is noted that the bread class is the most liked in both studies, while the soup class is the least liked. In general, there is a definite similarity in the ranking of the food

Table 4—Most Liked and Most Disliked foods for each food class.

Food class	Most Liked	Most Disliked
Breakfast items	Doughnuts	Soft-cooked eggs
Appetizers	Orange juice	Stewed rhubarb
Soups	Chicken noodle	Navy bean
Salads	Tossed green	Pickled beets
Sandwiches	Hamburger	Cream cheese and jelly
Entrées	Beef steak	Sautéed chicken livers
Vegetables	French fries	Turnips
Breads	Soft rolls	Corn bread
Desserts	Ice cream	Bread pudding
Beverages	Milk	Coffee

classes in both studies, even though the food classes are not exactly the same; for example, in the college student study, breakfast items include cereals as well as hot cakes, omelets, etc., whereas in the Quartermaster report the same foods were divided between entrées and cereals.

Of the six beverages included in the survey (coffee, hot tea, iced tea, hot chocolate, lemonade and milk), coffee was liked the least, a finding also reported by Lamb (1954) in her study of college students. Servicemen preferred milk, chocolate milk and hot cocoa to coffee and liked hot tea only slightly less than coffee (Peryam et al., 1960).

Both the entrée and vegetable classes are further subdivided in Figure 2. Vegetables have been divided into 2 subclasses–potatoes and other vegetables. The median for the potato subclass is 78% Liked. The median for the "other vegetables" subclass is 42%, below even the lowest class, soup. The subclass "other vegetables" contained 27 items. Of these, green beans, peas, baked beans, noodles, rice and sweetpotatoes were liked by more than 52% of the students responding. These were the same items especially liked in the study conducted by Van Riter (1956). The remainder of the vegetables in this subclass were liked far less than those just listed.

A close look at those entrée subclasses which pertain to meat, fish and poultry reveal that beef items were the most liked and liver the least liked. The chicken class, placed comparatively low on the entrée scale, included: chicken cacciatore, chicken chow mein, chicken a la king, chicken pot pie, chicken and dumplings and fried chicken. This somewhat lower preference may be due to the large number of combination items in this class. Combination items are generally less well liked than plain entrée foods; however, spaghetti, beef stew and pizza are well liked. Fried chicken was the only member of the chicken class especially well liked. Roasted meat items, especially roast beef and roast turkey, received preference ratings above the median for the entrée class, with the exception of roast lamb. Lamb is the least liked of all the red meats and the only red meat outranked by fish as a class.

A large number of fish items were included in the survey. Many of these items were not liked and only fried shrimp (73% liked) received a rating greater than the median for the entire entrée class.

It is noteworthy that the meat preferences of college students differ markedly from those of servicemen. In the Quartermaster study (Peryam, 1960), fowl was the Number One meat choice, followed by pork, ham, veal, beef, lamb, liver and fish. College students preferred beef, pork, chicken, veal, fish, lamb and liver in that order.

In this study, a wide variety of nutritious sandwiches was well liked by most all the students. As might be expected, hamburgers were well liked but, in addition, many other types such as hot roast pork sandwiches and tuna and chicken salad sandwiches were popular with the students.

All the foods included in this study are found in Table 5. All foods are divided among the 10 food classes and are listed in order of decreasing percent liked within the class.

Differences in food preferences between the sexes

In a comparison of the responses made by men and women, it was noted that men had a greater tendency to give a Do Not Know response, and women indicated stronger preferences for certain foods. These latter preferences are reported in Table 6. As might be expected, salads and vegetables, the lower-calorie menu items, are preferred by college coeds. In general, the foods in Table 6 are not well liked by either sex. They may perhaps be considered as less well liked by men than by women. There were no foods for which men indicated a decided preference.

Regional differences in food preference

Although today's college students are a transient group, some regional preferences would be expected. The data were

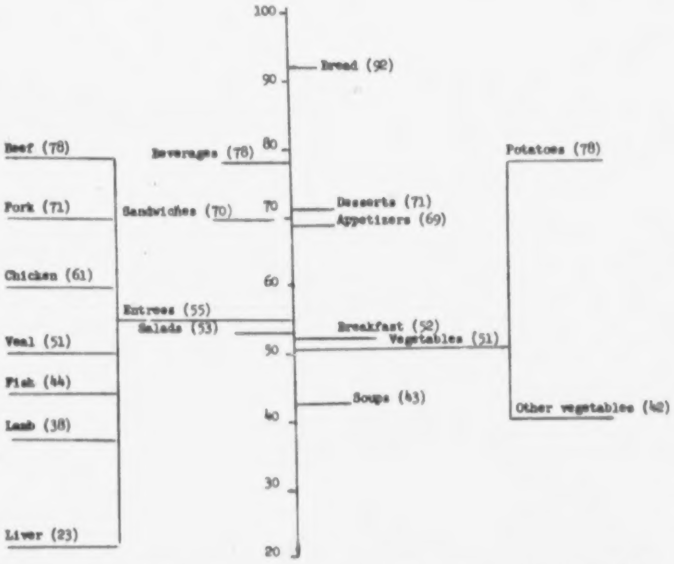

Fig. 2—Comparison of median scores for each food class and for entrées and vegetable subclasses. Median score given in parentheses.

analyzed for the 6 regions listed in Table 7. These regions coincide with the regions used by ARA and were selected because their use facilitated processing of the data.

The greatest regional differences were noted in Region 4–the South (Table 7). Grits, black-eyed peas, lima beans and iced tea were among the foods preferred in the South; chili and lamb stew were preferred in the West and clam chowder in the Northeast. Roast leg of lamb was also preferred by the West Coast region, but this preference was not as strong as for lamb stew. Hot roast pork sandwiches, roast pork and grilled pork chop were all disliked in Region Two, the area around Philadelphia (Table 8). Although

Table 5–Preferences for all foods studied listed by food classes. Items in each class ranked in order of decreasing percent liked.

Food class

Breakfast
  Doughnuts
  Hot cakes
  French toast
  Scrambled eggs
  Blueberry pancakes

  Frosted cornflakes
  Fried eggs
  Ham omelet
  Oatmeal
  Cream of wheat

  Bran flakes
  Soft-cooked eggs
  Grits
  Spanish omelet

Appetizers
  Orange juice
  Fruit cup (fresh)
  Grape juice
  Banana (fresh)
  Apple juice

  Cantaloupe
  Grapefruit juice
  Tomato juice
  Pineapple juice
  V-8 juice (vegetable)
  Stewed prunes
  Stewed rhubarb

Soups
  Chicken noodle
  Vegetable
  Tomato
  Cream of mushroom
  Clam chowder
  Beef barley
  Navy bean

Salads
  Tossed green
  Lettuce and tomato
  Head lettuce
  Chef's
  Chef's salad bowl

  Potato
  Cole slaw
  Assorted relishes
  Waldorf
  Jellied peach and banana

  Cottage cheese
  Cinnamon pear
  Jellied bing cherry
  Orange coconut

  Peach and cranberry
  Cucumber and onion
  Pickled beets
  Carrot raisin

  Vegetable aspic (fresh)

Sandwiches
  Hamburger
  Cheeseburger
  Hot roast beef
  Bacon, lettuce and tomato
  Ham

  Grilled ham-cheese
  Barbecue beef
  Grilled cheese
  Tuna salad
  Chicken salad

  Submarine (Hoagie)
  Hot roast pork
  Bologna and lettuce
  Egg salad
  Cream cheese and jelly
  Grilled reuben

Entrées
  Beef steak
  Roast turkey
  Roast beef
  Fried chicken
  Spaghetti (Italian)

  Canadian bacon
  Bacon strips (crisp-grilled)
  Swiss steak
  Grilled pork chops
  Baked smoked ham

  Frankfurters
  Fried shrimp
  Salisbury steak
  Beef stew
  Pizza

  Ham-cheese platter (cold)
  Roast pork
  Chicken and dumplings
  Barbecued spareribs
  Grilled ham steak

  Macaroni and cheese (baked)
  Sausage (grilled)
  Meat loaf
  Roast veal
  Chicken pot pie

  Lasagna
  Ravioli
  Chicken a la king
  Cold cuts (platter)
  Chili con carne

  Fried flounder
  Beef turnover
  Fruit–cottage cheese platter
  Roast leg of lamb
  Fried scallops

  Veal cutlet parmigiano
  Creamed chipped beef
  Ham loaf (baked)
  Tuna-noodle casserole
  Fried haddock

  Turkey croquettes
  Grilled stuffed frank
  Chicken chow mein
  Corned beef
  Deviled crab

  Corned beef hash
  Shrimp creole
  Chicken cacciatore
  Veal fricassee
  Fried perch

  Stuffed tomato cold platter
  Baked swordfish
  Baked halibut
  Veal scaloppini
  Hungarian goulash

  Stuffed peppers
  Corn fritters and bacon
  Salmon loaf (baked)
  Sautéed liver
  Welsh rarebit

  Lamb stew
  Cheese blintzes
  Sautéed chicken livers

Vegetables
  French-fried potatoes
  Whole kernel corn
  Baked potato (Idaho)
  Corn on the cob
  Whipped potatoes

  Green beans (buttered)
  Oven-browned potatoes
  Green peas (buttered)
  Parsley potatoes (buttered)
  Potatoes au gratin

  Baked beans
  Noodles (buttered)
  Rice (steamed)
  Sweetpotatoes
  Spanish rice

  Lima beans
  Broccoli (buttered)
  Spinach
  Asparagus (buttered)
  Brussels sprouts

  Glazed carrots
  Sauerkraut
  Cauliflower
  Smothered onions
  Harvard beets

  Black-eyed peas
  Cabbage (steamed)
  Baked squash
  Stewed tomatoes
  Succotash

  Fried eggplant (French)
  Turnips
  Kale (buttered)

Breads
  Soft rolls
  Hot biscuits
  Cornbread

Desserts
  Ice cream
  Apple pie
  Ice cream sundae
  Strawberry shortcake
  Sliced peaches

  Chocolate-chip cookies
  Brownies
  Orange sherbet
  Chocolate-nut sundae

  Devil's-food cake
  Lemon meringue pie
  Angel-food cake
  Gingerbread
  Blueberry pie
  Chocolate pudding

  Cherry cobbler
  Apple crisp
  Boston cream pie
  Peach cobbler
  Pumpkin pie

  Peanut butter cookies
  Baked apple
  Pineapple upside-down cake
  Strawberry chiffon pie
  Butterscotch pudding

  Raspberry gelatin
  Chocolate bavarian cream
  Cheese cake
  Tapioca
  Baked custard

  Rice pudding
  Lemon snow pudding
  Plum cobbler (purple)
  Bread pudding

Beverages
  Milk
  Lemonade
  Hot chocolate
  Iced tea
  Hot tea
  Coffee

other foods were to a degree preferentially liked in the remaining 5 regions, differences were not great enough to merit their inclusion.

NUTRITIONAL QUALITY

A recent report, Nutritive Quality of Diets USA (1968), pinpointed the nutritional soft spots in our society. The study reports that dietary deficiencies, when they do exist, center around vitamin A, vitamin C and calcium. The National Research Council in its 1968 revision of Recommended Dietary Allowances (RDA) raised the iron recommendation for females (ages 18–22) to 18 mg. Since there is some doubt as to whether this amount will be provided in the diet of the average 18–22-year-old female, this nutrient was also studied.

The RDA for vitamin A, vitamin C, calcium and iron for males and females between the ages of 18 and 22, the age group represented in this study, are listed below:

	Males	Females
Vitamin A	5,000 IU	5,000 IU
Vitamin C	60 mg	55 mg
Calcium	0.8 g	0.8 g
Iron	10 mg	18 mg

The amounts of vitamin A, vitamin C, calcium and iron in an average serving of the foods included in this study were calculated from published food composition data. For each of these nutrients, the percent of the recommended dietary allowance provided by a serving of a given food was determined. The preferences for foods found to be good sources of these nutrients are given in Tables 8 through 11.

Student food preference ratings in Tables 8 through 11 are given as a rank within the food class to which the food item belongs. The "rank in food class" is denoted by a fraction whose denominator equals the number of items represented in the food class and whose numerator is the rank, in the order Most Liked to Least Liked, for the food within its class. Thus,

Table 6–Foods liked more by young women than by young men.

Food class

Salads
  Cottage cheese
  Cole slaw
  Carrot-raisin[1]
  Lettuce
  Lettuce and tomato

  Tossed green
  Waldorf
  Chef's
  Assorted relishes

Vegetables
  Stewed tomatoes[1]
  Buttered asparagus[1]
  Cauliflower[1]
  Steamed cabbage[1]
  Glazed carrots[1]

  Buttered broccoli
  Baked squash[1]
  Harvard beets[1]
  Brussels sprouts[1]

Sandwiches
  Tuna salad
  Chicken salad

Desserts
  Cheese cake
  Peanut butter cookies

Entrées
  Chef's salad bowl
  Fruit platter–cottage cheese
  Stuffed tomato cold platter[1]
  Tuna-noodle casserole
  Lasagna
  Baked macaroni and cheese

Beverages
  Hot tea

[1] Less than 50% Liked.

Table 7–Selected foods indicating regional likes and dislikes among college students.

	Region[2]					
Food class	N	C	MA	S	MW	WC
Breakfast						
Grits	–	–	–	X	–	–
Soups						
Clam chowder	X	X	–	–	–	X
Beef barley	–	–	–	–	–	X
Salads						
Potato	–	–	–	X	–	–
Carrot-raisin	–	–	–	–	–	X
Jellied peach and banana	–	–	–	–	X	–
Assorted relishes	–	–	–	–	X	–
Cole slaw	–	–	–	–	–	0
Sandwiches						
Hot roast pork	–	0	–	–	–	–
Vegetables						
Black-eyed peas	–	–	–	X	–	–
Lima beans	0	–	X	X	–	–
Baked beans	–	–	–	X	–	–
Rice	–	–	–	–	–	0
Desserts						
Pumpkin pie	–	–	–	–	X	–
Peach cobbler	–	–	–	X	–	–
Beverages						
Iced tea	–	–	–	X	–	–
Entrées						
Hoagie submarine	–	X	–	–	–	–
Fried flounder	–	–	–	X	–	–
Fried perch	–	–	–	X	X	–
Baked halibut	–	–	–	–	–	X
Chicken cacciatore	–	–	–	–	–	X
Veal cutlet parmigiano	X	X	–	–	–	–
Creamed chipped beef	0	–	–	X	–	–
Chili	0	0	–	–	–	X
Cheese blintzes	0	X	–	–	–	–
Lamb stew	–	0	–	–	–	X
Grilled pork chop	–	0	–	–	–	–
Roast pork	–	0	–	–	–	–

[1] X designates liked; 0 designates disliked.

[2] N–Northeast–Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont.

C–Central–Delaware, Eastern Pennsylvania (including Philadelphia) and New Jersey.

MA–Mid-Atlantic–Delaware, Maryland, Southwest Virginia, Washington, D.C., Washington County, Ohio, West Virginia and Western Pennsylvania.

S–Southern–Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Northern Virginia, Oklahoma, South Carolina, Texas and Tennessee.

MW–Mid-West–Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin.

WC–West Coast–Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

Table 8–Students' preferences for vitamin A-containing foods.

Food item	Percent of RDA per serving[1]	Rank in food class[2]
	Foods supplying 100% or more of RDA	
Liver	430	59/63
Sautéed chicken livers	300	63/63
Sweetpotatoes	230	14/33
Spinach	210	18/33
Glazed carrots	150	20/33
Cantaloupe	120	6/12
Beef stew	110	14/63
Carrot-raisin salad	110	18/19
Baked squash	100	28/33
	Foods supplying 30–99% of RDA	
Broccoli (buttered)	60	17/33
Chicken pot pie	60	25/63
Kale (buttered)	60	33/33
Pumpkin pie	60	21/34
Baked swordfish	40	52/63
Spanish omelet	40	14/14
Bacon, lettuce and tomato sandwich	30	4/16
Fried eggs	30	7/14
Tossed green salad	30	1/19
Vegetable soup	30	2/7

[1] RDA for vitamin A is 5,000 IU for both men and women, ages 18 to 22.

[2] Denominator equals the number of items in the food class. The numerator represents preference rank within the class. Thus, the value for liver of 59/63 states that the food class contains 63 items and that liver ranked 59th in preference among the 63 entrees studied.

Table 9–Students' preferences for vitamin C-containing foods.

Food item	Percent of RDA per serving[1]	Rank in food class[2]
	Foods supplying 80–100% of RDA	
Broccoli (buttered)	100	17/33
Cabbage (steamed)	100	27/33
Cantaloupe	100	6/12
Orange juice	90	1/12
Cauliflower	80	23/33
	Foods supplying 50–79% of RDA	
Brussels sprouts	70	20/33
Grapefruit juice	70	7/12
Lettuce and tomato salad	70	2/19
Cole slaw	60	7/19
Spinach	50	18/33
Sweet potatoes	50	14/33
	Foods supplying 30–49% of RDA	
Asparagus (buttered)	40	19/33
Baked potato	40	3/33
French fries	40	1/33
Strawberry chiffon pie	40	24/34
Black-eyed peas	30	26/33
Kale (buttered)	30	33/33
Lemonade	30	2/6
Oven-browned potatoes	30	7/33
Parsley potatoes (buttered)	30	9/33
Sauerkraut	30	22/33
Stewed tomatoes	30	29/33
Tomato juice	30	8/12
Vegetable aspic (fresh)	30	19/19

[1] RDA for vitamin C is 60 mg for men and 55 mg for women, ages 18 to 22. Calculations based on male requirement for vitamin C; the above foods supply a slightly greater amount of a woman's daily allowance.

[2] Denominator equals the number of items in the food class. The numerator represents the preference rank within the class. Thus, the value for broccoli, 17/33, states that the food class contains 33 items and that broccoli ranked 17th in preference among the 33 vegetables studied.

the fraction 1/63 means that the food class contains 63 members and the food in question is the best liked in the class; the fraction 63/63 means that the item is the least liked in a field of 63. It is assumed that foods compete only within a class. A choice may be made between chicken and fish but rarely between chicken and ice cream or coffee.

Foods containing the greatest amounts of vitamin A per serving are listed in Table 8. Of the 9 best sources of vitamin A, only sweetpotatoes and beef stew ranked above the median of their respective classes in food preferences. Liver, the best source of vitamin A, was among the most disliked food in the entire survey. Only 6 of the 19 foods supplying 30% or more of the RDA for vitamin A were above the median for foods liked in their respective classes.

Foods high in vitamin C are tabulated in Table 9. Of the 9 best sources of vitamin C, orange juice, lettuce and tomato salad and cole slaw were well liked. 14 of the 24 foods supplying 30% or more of the RDA were below the median in food preference for their respective classes.

Calcium-containing foods are given in Table 10. These foods contain small amounts of calcium. However, only 8 foods, baked macaroni and cheese, pizza, milk, welsh rarebit, grilled ham and cheese sandwich, grilled cheeese sandwich, cheeseburger and hot cakes, contained 30% or more of the RDA per serving, and none of these 8 contained as much as 50% recommended allowances. These foods are sources of calcium because they contain substantial amounts of milk or dairy products. Welsh rarebit was the only one of these 8 best sources of calcium that was disliked.

Iron is the only nutrient that has a greater RDA for women than for men (18 mg vs. 10 mg). Foods contributing 10% or more of the iron RDA for young women are given in Table 11. No foods, other than liver, contribute more than 30% of the RDA for iron. However, many foods not listed in Table 11 can contribute 3–5% of the Recommended Allowance. It is of interest that despite the greater need for iron by the female there is apparently no preference for iron-containing foods by young women as compared to young men.

The result of the present study shows that if food preferences were the sole determinant of food intake among college students a low dietary intake of vitamin A could result. Two-thirds of the 19 foods supplying 30% or more of the RDA for vitamin A are among the foods least liked. In fact, the best sources of vitamin A are among the most disliked foods in the entire survey.

The relationship between food preferences and possible vitamin C and calcium deficiencies is not as clear-cut. In both instances, one good source of these nutrients is very well liked. Orange juice meets 90% of the RDA for vitamin C and foods containing milk and milk products satisfy 30 to 40% of the RDA for calcium. In both instances, other foods, particularly vegetables, that are sources of vitamin C or calcium are generally not liked.

If the same pattern of food preferences exists throughout our society as

Table 10–Students' preferences for calcium-containing foods.

Food item	Percent of RDA per serving[1]	Rank in food class[2]
	Foods supplying 30–50% of RDA	
Macaroni and cheese	40	21/63
Milk	40	1/6
Cheeseburger	30	2/16
Grilled cheese sandwich	30	8/16
Grilled ham and cheese sandwich	30	6/16
Hot cakes	30	2/14
Pizza	30	15/63
Welsh rarebit	30	60/63
	Foods supplying 10–29% of RDA	
Baked beans	20	11/33
Baked custard	20	30/34
Black-eyed peas	20	26/33
Bread pudding	20	34/34
Butterscotch pudding	20	25/34
Chef's salad bowl	20	5/19
Chocolate nut sundae	20	9/34
Creamed chipped beef	20	37/63
Deviled crab	20	45/63
French toast	20	3/14
Ice cream	20	1/34
Lemon snow pudding	20	32/34
Rice pudding	20	31/34
Boston cream pie	10	18/34
Broccoli (buttered)	10	17/33
Chicken a la king	10	28/63
Cottage cheese	10	11/19
Cucumber and onion salad	10	16/19
Kale (buttered)	10	33/33
Roast pork	10	17/63
Scrambled eggs	10	4/14
Spinach	10	18/33
Stewed rhubarb	10	12/12
Strawberry shortcake	10	4/34
Tapioca	10	29/34

[1] RDA for calcium is 0.8 g for both men and women, ages 18 to 22.

[2] Denominator equals the number of items in the food class. The numerator represents the preference rank within the class. Thus, the fraction for baked macaroni and cheese, 21/63, means that the food class contains 63 items and that macaroni and cheese ranked 21st in preference among the 63 entrées studied.

Table 11–Students' preferences for iron-containing foods.

Food item	Percent of RDA per serving[1]	Rank in food class[2]
	Foods supplying 30–50% of RDA	
Sautéed chicken livers	50	63/63
Sautéed liver	50	59/63
Beef steak	30	1/63
Beef stew	30	14/63
	Foods supplying 10–29% of RDA	
Baked beans	20	11/33
Chicken pot pie	20	25/63
Chili con carne	20	30/63
Corned beef hash	20	46/63
Grilled pork chop	20	9/63
Hot roast beef sandwich	20	3/16
Hot roast pork sandwich	20	12/16
Meat loaf	20	23/63
Roast beef	20	3/63
Roast pork	20	17/63
Roast turkey	20	2/63
Scallops (fried)	20	35/63
Bacon, lettuce and tomato sandwich	10	4/16
Baked smoked ham	10	10/63
Black-eyed peas	10	26/33
Bologna and lettuce sandwich	10	13/16
Chicken a la king	10	28/63
Chicken salad sandwich	10	10/16
Corned beef	10	44/63
Creamed chipped beef	10	37/63
French fries	10	1/33
French toast	10	3/14
Fried chicken	10	4/63
Grilled ham and cheese sandwich	10	6/16
Ham sandwich	10	5/16
Macaroni and cheese (baked)	10	21/63
Spanish omelet	10	14/14
Scrambled eggs	10	4/14
Spinach	10	18/33
Strawberry shortcake	10	4/34

[1] RDA for iron is 18 mg for women and 10 mg for men, ages 18 to 22. Calculations based on female allowance for iron.

[2] Denominator equals the number of items in the food class. The numerator represents preference rank within the class. Thus, the value for liver of 59/63 means that the food class contains 63 items and that liver ranked 59th in preference among the 63 entrées studied.

among college students, families who may be unable to purchase adequate amounts of orange juice or dairy products may have to look to products such as vitamin C–fortified drinks and skim milk powder to obtain sufficient amounts of vitamin C and calcium.

Except for liver, there is little evidence based on the foods surveyed in this study that food preferences will materially affect dietary intake of iron. Some leafy green vegetables and legumes can contribute 3–5% of the RDA. Since vegetables as a class are not very well liked, there may be some discrimination against this source of iron.

It has been estimated that the average U.S. diet provides about 6 mg of iron per 1,000 calories (5); thus, iron requirements for males are readily met. However, the RDA of 18 mg of iron for females will be difficult to obtain from dietary sources. The 1968 revision of Recommended Dietary Allowances (5) takes cognizance of this difficulty and states that "individuals with nutrient intakes below the recommended allowance are not necessarily at a disadvantage." Only if biochemical and chemical evidence identifies an individual as being iron-deficient is there any need for concern. In such cases iron supplementation is indicated.

This study represents an attempt to determine the relationship between food preferences and nutritional quality of foods. Although no quantitative figures have been established, it may be that food preferences can contribute to malnutrition (either under- or over-nutrition). The pattern of food likes and dislikes exhibited by these college students may well be related to the foods served in the home during childhood and adolescence. One cannot make the assumption that the pattern of food preferences found in this study is typical of all our society. This type of study should be extended to younger age groups and in particular to lower-income groups in various regions of the country. The recent emphasis on eradication of malnutrition in the United States places a degree of urgency on such studies. If foods are not liked, they will not be eaten, and the nutritional value of any food is zero until consumed. It may well be that supplying the same kinds of foods to all who are undernourished may not be equally beneficent.

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Ms. received 5/26/69; revised 11/10/69; accepted 11/11/69.

We gratefully acknowledge the assistance of Helen C. Crutchfield in calculating the nutrient composition data reported in this study.

FROM RALPH ABASCAL

EXHIBIT 1

CORRESPONDENCE REGARDING ILLEGALITY OF CALIFORNIA'S COMMODITY DISTRIBUTION PROGRAM

APRIL 24, 1967.

BERNIECE D. KANATA,
Supervisor, Commodity Distribution Program, U.S. Department of Agriculture, San Francisco, Calif.

DEAR MRS. KANATA: At page 12 of the Sutter County General Relief Manual appears the following statement regarding the distribution of the U.S.D.A. Surplus Foods: "Commodities shall not be issued to persons receiving a categorical aid, except in very unusual circumstances." It is my understanding that this rule is put into practice, and that the Sutter County Welfare Department seldom, if ever, gives commodities to persons receiving aid under one of the State Categorical Aid Programs.

It appears to me that this rule and the practice of following this rule are in violation of the Revised Plan of Operation, Distribution of U.S.D.A. Commodities to Needy Households, Local Public Welfare Agencies, approved by the U.S. Department of Agriculture, Food Distribution Division, dated September 23, 1963. The Revised Plan provided that commodities may be distributed to both public assistance households and non-public assistance households. There appears to be no provision granting to County Welfare Departments the discretion to exclude one of these categories.

Could you please advise me as to whether my reading of the Revised Plan is correct. If I am correct, what steps can be taken to remedy the situation?

Your very truly,

MYRON MOSKOVITZ.

APRIL 24, 1967.

CALIFORNIA STATE EDUCATIONAL AGENCY FOR SURPLUS PROPERTY,
Sacramento, Calif.

DEAR SIR: At page 12 of the Sutter County General Relief Manual appears the following statement regarding the distribution of the U.S.D.A. Surplus Foods: "Commodities shall not be issued to persons receiving a categorical aid, except in very unusual circumstances." It is my understanding that this rule is put into practice, and that the Sutter County Welfare Department seldom, if ever, gives commodities to persons receiving aid under one of the State Categorical Programs.

It appears to me that this rule and the practice of following this rule are in violation of the Revised Plan of Operation, Distribution of U.S.D.A. Commodities to Needy Households, Local Public Welfare Agencies, approved by the U.S. Department of Agriculture, Food Distribution Division, dated September 23, 1963. The Revised Plan provides that commodities may be distributed to both public assistance households and non-public assistance households. There appears to be no provision granting to County Welfare Departments the discretion to exclude one of these categories.

Could you please advise me as to whether my reading of the Revised Plan is correct. If I am correct, what steps can be taken to remedy the situation?

Your very truly,

MYRON MOSKOVITZ.

U.S. DEPARTMENT OF AGRICULTURE,
CONSUMER AND MARKETING SERVICE,
CONSUMER FOOD PROGRAMS,
San Francisco, Calif., April 28, 1967.

Mr. MYRON MOSKOVITZ,
Directing Attorney, California Rural Legal Assistance,
Marysville, Calif.

DEAR MR. MOSKOVITZ: Thank you for your letter of April 24, 1967, referring to the distribution of USDA Commodities in Sutter County. We are aware that Sutter County does not, except under unusual circumstances, distribute commodities to persons receiving categorical grants under the Public Assistance Program.

Your quotation of the Revised Plan of Operation for distributing USDA Commodities is correct. The Plan provides that the county may distribute to both public assistance households and non-public assistance households. Sutter County has made a decision to distribute commodities only to non-public assistance households and General Assistance households when needed and upon recipient request. We have urged the various counties in personal visitation to broaden their distribution practices to include all eligible categories. If you have not already done so, you may wish to contact the County Commissioners concerning that matter.

Sincerely yours,

CHARLES M. ERNST,
Director, Western District.

STATE OF CALIFORNIA,
DEPARTMENT OF EDUCATION,
Sacramento, Calif., May 1, 1967.

Mr. MYRON MOSKOVITZ,
California Rural Legal Assistance,
Marysville, Calif.

DEAR MR. MOSKOVITZ: This has reference to your inquiry of April 24 on the food distribution program operated by the Sutter County Welfare Department.

It is true that federal donated foods may be issued to both public assistance households and to low income non-public assistance households. However, the federal law and regulations make this provision permissive so the decision becomes a local one.

I know of no way to change the situation except to convince the Board of Supervisors that the county restrictions should be liberalized.

Sincerely yours,

WALTER L. JOHNSON,
Executive Assistant, Surplus Property Agency.

LAW OFFICES OF CALIFORNIA RURAL LEGAL ASSISTANCE,
Marysville, Calif., May 4, 1967.

Mr. WALTER L. JOHNSON,
Executive Assistant, Surplus Property Agency, State Department of Education, Sacramento, Calif.

DEAR MR. JOHNSON: Thank you very much for your letter of May 1, 1967, regarding the distribution of U.S.D.A. commodities by the Sutter County Welfare Department.

I cannot agree with your conclusion that Federal law and regulations permit a County Welfare Department to exclude a group of people eligible under the State plan. Section 250.6 (c) of the Federal Regulations dealing with the commodities program (Title VII, Chapter 2, subchapter b, Part 250) provides, in part, as follows:

"*Welfare Distribution.* Distributing agencies, prior to making distribution to welfare agencies or households, shall submit a plan of operation for approval by the appropriate area office of the Commodity Distribution Division, C. & M. S. Such a plan shall incorporate procedures and methods to be used in certifying households as in need of food assistance and in making distribution of commodities to them. No amendments to such plan shall be made without prior approval of the area office, Commodity Distribution Division, C. & M. S. *Distributing agencies shall require welfare agencies making distribution to households to conduct distribution programs in accordance with all provisions of the plan of operation.* As a minimum, the plan shall include the following: (1) The categories of households, one or both of the following, to which distribution will be made: (i) *Public assistance households.* Those households in which all members are receiving benefits under the Federally-Public Assistance Programs authorized in the Social Security Act or under State or local welfare programs; or those households in which some of the members receive such benefits, but all members thereof are included in the determination to grant such benefits. (ii) *Non-public Assistance Households.* Those households in which none of the members receive benefits described in subdivision (i) of this subparagraph, or in which some of the members receive such benefits, but all of the members are not included in the determination to grant such benefits."

The provision is permissive in the sense that it allows the *distribution agency* your agency) to include either public assistance households or non-public assistance households, or both, in the State plan. It gives no discretion to County Welfare Departments to disobey the State plan after the State Distributing Agency has made its decision as to which categories shall be included in the State plan.

The State plan, which was approved by your agency and the U.S. Department of Agriculture, Food Distribution Division, in 1963, provides in Paragraph 5 that public assistance households shall be considered eligible households to receive U.S.D.A. commodities. The Sutter County Welfare Department has refused to comply with this provision. The above quoted Federal regulation provides that "Distributing agencies *shall require* welfare agencies making distribution to households to conduct distribution programs in accordance with *all* provisions of the plan of operation". This section requires your agency to compel the Sutter County Welfare Department to comply with the State plan.

Many of the clients are receiving State Categorical Aid benefits through the Sutter County Welfare Department. In many cases, because of certain peculariaties in the welfare program, the maximum amount of aid they may receive is less than the amount of their needs (as determined by the Welfare Department). Proper distribution of U.S.D.A. commodities to those people would be of considerable help in enabling them to meet what the State has determined to be their minimum needs. Because of this situation, Mr. Johnson, we strongly urge your agency to fulfill what appears to be its duty under the above quoted Federal regulation.

Very truly yours,

MYRON MOSKOVITZ.

P.S.—Could you please send me a copy of the contract between the Sutter County Welfare Department and your agency concerning the commodities program?

STATE OF CALIFORNIA,
DEPARTMENT OF EDUCATION,
Sacramento, Calif., May 5, 1967.

Mr. MYRON MOSKOVITZ,
Directing Attorney, California Rural Legal Assistance,
Marysville, Calif.

DEAR MR. MOSKOVITZ: Thank you for your letter dated May 4, 1967 in which you comment on my reply of May 1 to your April 24 letter.

Please understand that I, and all of my co-workers, greatly sympathize with all recipients of welfare grants, as well as other low income families. We believe that the addition of federal donated foods to welfare grants and low incomes would help considerably in somewhat alleviating the needs of these groups in California.

Neither we nor officials of the U.S. Department of Agriculture have ever placed your interpretations on the meaning of the Federal regulations and our Plan of Operation. If we were to do so, I am afraid that all 26 counties currently participating in the food distribution program to needy families would withdraw. None of the county welfare departments in California issue donated foods to all categorical aid families. Some do when it has been determined that there is an unmet need.

Obviously, since I am not an attorney, it is not possible for me to offer any evidence other than a layman's opinion as to the legal meanings of the Federal regulations and our Plan of Operation. If, however, we were required to adopt your interpretations we would either have to change our Plan of Operation or sit by and watch the entire program collapse.

As requested, we are enclosing copies of correspondence between our office and Sutter County Welfare Department dealing with their plan of operation. If additional information is desired, please advise me.

Sincerely yours,

W. L. JOHNSON,
Executive Assistant, Surplus Property Agency.

OCTOBER 17, 1969.

NEILL FREEMAN, Jr.
Director, Commodities Distribution Division, Consumers & Marketing Service,
U.S. Department of Agriculture, Washington, D.C.

DEAR MR. FREEMAN: I am writing to you on the suggestion of Ronald Pollack, staff attorney, Center on Social Welfare Law & Policy, Columbia Law School.

Sutter County Welfare Department operates a commodities distribution food plan. However, they have a local regulation which does not permit recipients of categorical public assistance aid to receive commodities. That is, they only distribute commodities to non-public assistance households.

My understanding of the relationship between 7 CFR § 250.6(e)(1) is that the statement therein, "The category of households, one or both of the following, to which distribution will be made. . . ." would be granted to "distribution agencies", in this case the Department of Education, State of California, with the option to include within their state plan one or both of public assistance and non-public assistance households. Thus, when the state plan does elect to include both households, as the California State plan does, local "institutions" such as the Sutter County Welfare Department, do *not* have the option to elect to distribute to public assistance or non-public assistance households. That is, if the county participates in commodities distribution, it must know that the state plan has option to distribute to both types of households and comply accordingly.

I would appreciate any comments you have on my interpretation of the authority of a local welfare department to resist distribution to public assistance households when the state plan has chosen to distribute to both public assistance and non-public assistance households.

Thank you for your attention and cooperation.

Sincerely,

RALPH S. ABASCAL,
Directing Attorney.

OCTOBER 23, 1969.

NEILL FREEMAN, Jr.
Director, Commodities Distribution Division, Consumers & Marketing Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. FREEMAN: I just looked at my letter of October 17, 1969 to you in regard to the commodities program. It does not make much sense. I dictated it "on the run." Please allow me to clarify it.

7 CFR § 250.6 (e) (1) provides that:

"Distributing agencies [in our case, State Department of Education], prior to making a distribution to welfare agencies . . . shall submit a plan of operation. . . . Such a plan shall incorporate the procedures and methods to be used in certifying households as in need of food assistance and in making distribution of commodities to them. * * * Distributing agencies shall require welfare agencies [in our case, Sutter County Welfare Department], making distribution to households to conduct distributing programs in accordance with all provisions of the plan of operation. As a minimum, the plan shall include are following:

(1) The categories of households, one or both of the following, to which distribution will be made:
  (i) Public assistance households.
  (ii) Non-public assistance households.

The only reasonable interpretation of 7 CFR § 250.6(e)(1) is that it allows the distributing agency [in our case, State Department of Education], to choose whether its plan shall include one or both of the categories of households. In other words, the state has an option. Thus, when the state plan does elect to include both households, as the California State Plan does in Part V, a welfare agency [in our case, the Sutter County Welfare Department], does *not* have the option to choose to distribute to one or both. This option is available only to the distributing agency.

Thank you again for your attention.

Sincerely,

RALPH S. ABASCAL,
Directing Attorney.

U.S. Department of Agriculture,
Food and Nutrition Service,
Washington, D.C., Oct. 29, 1969.

Subject: Opinion Request, Commodity Distribution Program, California.
To: Charles M. Ernst, Director, Western Region, FNS San Francisco, Calif.

This will respond to your September 23 memorandum requesting our guidance in preparing a draft reply to Assemblyman McCarthy's September 15 inquiry.

Assemblyman McCarthy states that there are substantial disparities in eligibility requirements among those counties distributing commodities while there is uniformity in Food Stamp Program counties. He further questions whether a county can set a standard for commodity distribution that is more restrictive than the food stamp standard.

It is the policy of this Department that eligibility requirements for food stamps and commodity distribution be the same where possible. It is further the policy of the Department that State distributing agencies shall require Welfare Agencies making distribution to households to conduct certification and distribution in accordance with all provisions of the state plan of operation.

In our review of the California Commodity Distribution and Food Stamp plans, we cannot find basic differences in eligibility requirement.

Inasmuch as we are aware that several California counties have restrictive policies (witnessed by survey of restrictions completed by counties) limiting participation and, whereas such policies are contrary to the intent and purposes of provisions of the California State Plan of Operation, we think that the California State Distributing Agency, with your direction and guidance, should cause the provisions of the plan to be applied by all participating counties.

You may wish to use the approach of our impeding financial arrangement with states and counties (culminating with standards of excellence) to alter present program disparities and expand the reach of the program to all eligibile households.

Howard P. Davis,
Acting Administrator.

McFarland, Calif., *October 29, 1969.*

Mr. Charles M. Ernst,
Regional Director, U.S.D.A.,
San Francisco, Calif.

Dear Mr. Ernst: Under the Kings County Commodity Distribution Plan of Operation, Federal Public Assistance recipients are certified as eligible for commodities only if they meet the need requirements of General Assistance (county welfare). Since the eligibility requirements for General Assistance are much more stringent than those for federal categorical aid, very few people in Kings County receive General Assistance. For a person to receive General Assistance it must be shown that he is in much greater need than must be shown to qualify for federal categorical aid. This means that very few people in Kings County receive surplus commodities, despite the fact that many people are eligibile and receive federal categorical aid.

The federal regulations (7 CFR, Ch. II, § 250.6) appear to prohibit these restrictions on the categories of people who are to receive commodities. Section 250.6(e) provides two categories of households "to which distribution will be made." The state plan of operation must include one of these categories as a minimum. The California plan includes both categories—"public assistance households and non-public assistance households." There is no provision in the federal regulations for changing these categories.

The California plan of operation states that public assistance households [which are defined as including households in which all members receive aid under one or more of the following programs: (a) Old Age Security; (b) Aid to Families with Dependent Children; (c) Aid to Blind; (d) Aid to the Disabled; (e) General Assistance] "are eligible to receive donated foods . . ."

Mr. W. A. Farrell, Chief Surplus Property Officer, has informed me that his department interprets these regulations to mean that each county may narrow the state eligibility requirements if they wish. Mr. Farrell felt that there was a distinction between being eligible and actually being given the food. Thus while many people would be eligible under the state regulations, only those people to whom the county actually decides to distribute the food will receive it.

This interpretation is clearly contrary to the federal regulations. Section 250.6(e) speaks not of eligibility, but of those categories of households "to which distribution will be made." In the same section the regulations require that "[d]istributing agencies shall require welfare agencies making distribution to households to conduct distribution in accordance with *all provisions* of the plan of operation." [emphasis added].

Since you have approved the operation of the Kings County and California plans, I believe that you have the responsibility of seeing that the regulations are complied with. Toward this end I would appreciate your contacting Mr. Farrell and the Kings County Welfare Department informing them of the proper interpretation of the regulations and their responsibilities thereunder.

A great number of people are now improperly being deprived of access to surplus commodities and these people are in great need of food. To alleviate their dire situation, I would appreciate an early response to this letter.

Thank you for your assistance.

Very truly yours,

PETER H. REID,
Reginald Heber Smith Fellow.

NOVEMBER 13, 1969.

NEILL FREEMAN, JR.,
Director, Commodities Distribution Division, Consumers and Marketing Service.
U.S. Department of Agriculture.

DEAR MR. FREEMAN: Have you received my letters dated October 17, 1969, and October 23, 1969, relative to the nonconformity of the Sutter County Welfare Department and the State of California with respect to 7 CFR § 250.6(e)(1)? In the event that you have not received this correspondence, copies are enclosed for your ready reference.

I am under considerable pressure from a large group of clients who wish to file suit. In my opinion, that would be unnecessary and would only prolong the rectification of the problem. Exercise of the authority that resides in you and in Mr. W. A. Farrell, Director, Surplus Property Agency, Department of Education, would be ideally preferable for all concerned. This would effectuate a rapid resolution, result in no embarrassment, and eliminate the necessity for considerable expenditure of attorney time, both ours, the State of California's and the United States Government's.

Thank you for your time and attention. I await your early response.

Sincerely,

RALPH S. ABASCAL,
Directing Attorney.

NOVEMBER 21, 1969.

Hon. RICHARD E. LYNG,
Assistant Secretary,
U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. LYNG: I was very encouraged reading of your address before the California Canners and Growers Association in San Francisco. A copy of the story as reported in the Sacramento Bee, November 19, 1969, is enclosed for your reference.

Our problem here does not involve the deficiency of existing legislation: rather, it involves lack of enforcement of existing legislation. I have attempted to seek a resolution of this problem in correspondence with Neill Freeman, Jr., Director, Commodities Distribution Division, Consumers and Marketing Service. Copies of my correspondence to Mr. Freeman dated October 17, October 23 and November 13 are enclosed for your reference. I have not received response to these communications either confirming or denying my interpretation of the law. My position is set forth in this correspondence and is elaborated upon in a recent memorandum, a copy of which is enclosed for your reference.

Thank you for your time and attention. I would appreciate your comments.

Sincerely,

RALPH S. ABASCAL,
Directing Attorney.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 15, 1969.

RALPH S. ABASCAL,
Directing Attorney, California Rural Legal Assistance,
Marysville, Calif.

DEAR MR. ABASCAL: Thank you for your letter of November 21, 1969, and its enclosures.

You have probably received Mr. Freeman's reply of November 19, 1969 to your letters, giving the Department's interpretation of the regulations. However, a copy of his letter is enclosed herewith for your information in the event the original was not received.

Sincerely,

RICHARD E. LYNG,
Assistant Secretary.

Enclosure.

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., November 25, 1969.

MR. RALPH S. ABASCAL,
Directing Attorney,
California Rural Legal Assistance,
Marysville, Calif.

DEAR MR. ABASCAL: I have received the attached copy of a letter to you from Mr. Marvin M. Sandstrom replying to your letters of October 17 and October 23. It is our sincere hope that the financial arrangements we can make with states and counties will speedily rectify the problem you have described.

We want our food assistance programs to be absolutely responsive to human needs and to that end our Western Regional Office in San Francisco is proceeding with discussions with the California States Department of Education.

Thank you for your prompt follow up to your October letters.

Sincerely,

NEILL W. FREEMAN, Jr.,
Director, Commodity Distribution Division.

Enclosure:

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., November 19, 1969.

MR. RALPH S. ABASCAL,
Directing Attorney,
California Rural Legal Assistance,
Marysville, Calif.

DEAR MR. ABASCAL: Thank you for your letters of October 17 and 23 to Neill W. Freeman, Jr., of this Service, asking for our comments on the Sutter County Welfare Department's authority to resist distribution of donated foods to public assistance households.

It is the policy of this Department that state distributing agencies shall require welfare agencies (such as Sutter County Welfare) to conduct certification and distribution in accordance with all provisions of the state plan of operation. The California State Plan does not provide counties with the option to serve only non-public assistance households.

This Department does not condone such barriers to full participation. Where policies of this nature are contrary to the intent and purpose of the state plan, the Department has strongly urged state distributing agencies to see that provisions of the state plan are applied by all participating counties.

One factor requiring special consideration in California, as well as some other states, is that local officials, in most cases, must bear a pro-rata share of state costs of administration, the intra-state costs of moving donated foods from state warehouses to local centers, plus all other costs of operating local food programs. In many instances, program restrictions are applied because of limited funds.

The Department hopes to eliminate these barriers with use of an impending financial arrangement with states and counties to alter present program disparities, and expand the reach of food assistance to all eligible needy households.

We are asking our Regional Office in San Francisco to discuss this matter with the California State Department of Education.

Sincerely,

(S) Marvin M. Sandstrom,
Assistant Deputy Administrator.

November 25, 1969.

Mr. William A. Farrell,
Chief, Surplus Property Officer,
State Educational Agency for Surplus Property,
Sacramento, Calif.

Dear Mr. Farrell: This is to respond to your recent letter to which was attached an inquiry from Assemblyman McCarthy dated September 15, 1969.

Assemblyman McCarthy states that there are substantial disparities in eligibility requirements among those counties distributing commodities while there is uniformity in Food Stamp Program counties. He further questions whether a county can set a standard for commodity distribution that is more restrictive than the food stamp standard.

It is the policy of this Department that eligibility requirements for food stamps and commodity distribution be the same where possible. It is further the policy of the Department that State distributing agencies shall require Welfare Agencies making distribution to households to conduct certification and distribution in accordance with all provisions of the state plan of operation.

In our review of the California Commodity Distribution and Food Stamp plans, we cannot find basic differences in eligibility requirements.

Inasmuch as we are aware that several California counties have restrictive policies limiting participation and, whereas such policies are contrary to the intent and purposes of provisions of the California State Plan of Operation, we ask that you take immediate steps to cause the provisions of the plan to be applied by all participating counties.

In this connection we know full well that the counties will experience additional costs to expand the reach of the program to all eligible households. In the near future we hope to be able to provide you with information on the impending federal financial assistance arrangements. These provisions for cost sharing should play an important part in bringing about the compliance and information we seek.

Sincerely yours,

Charles M. Ernst,
Director, Western Region.

Division of Public Assistance,
Economic Service Division,
July 21, 1971.

Mr. Charles M. Ernst,
Director, Western Region, U.S. Department of Agriculture, Food and Nutrition Service, San Francisco, Calif.

Dear Mr. Ernst: Because of the critical economic situation in the State of Washington Governor Evans is continuing his efforts to otbain approval from the Department of Agriculture for the direct distribution of foods in this State. The need is particularly critical in the Seattle, Everett and Tacoma areas.

This letter is to notify you of our intent to implement direct distribution of foods in conjunction with the food stamp program immediately upon receipt of approval. The Division of Economic Services within this Department has responsibility for the operation of this program and will be your point of contact. We will shortly be submitting a plan similar to the one which was used by the State of Washington prior to 1968. This plan is being jointly developed with the Department of General Administration. It is our understanding that the eligibility rules presently in effect for the food stamp plan will be applicable until the new regulations can be implemented.

We further understand that, given authority, the Department of General Administration can deliver foods presently stored at the Sand Point Warehouse in order to accomplish immediate distribution of foods. Previous experience indicates that it takes considerable time to obtain food for an ongoing supply. It is, therefore, imperative that we receive approval of our plan at an early date so that additional foods can be immediately ordered.

We appreciate your continued help and advice in expediting the implementation of this plan which is so urgently needed in this State. I look forward to working with you.

Sincerely,

Miss Mary Lou Everson,
Assistant Secretary.

U.S. Department of Agriculture,
Food and Nutrition Service,
San Francisco, Calif. August 5, 1971.

Miss Mary Lou Everson,
Assistant Secretary, Division of Economic Services, State Department of Social and Health Services, Olympia, Wash.

Dear Miss Everson: I have held your letter of July 21, 1971 requesting approval to make direct distribution of Department donated foods in connection with your Food Stamp Program until I could verify the Department's position on such requests after the new Food Stamp Regulations were issued. I am sorry I could not respond sooner.

While Public Law 91-671 does permit dual operation of the Department's two food assistance programs to families in the same locality and the regulations issued to implement that legislation do spell out requirements for dual operation, the Department has decided that it will not approve any dual operations.

It is our belief that the two programs operate for the same purpose and the same eligibility standards would apply to both. Therefore dual operation of Food Distribution and the Food Stamp Program in the same locality cannot be justified.

We appreciate your efforts to make the Food Stamp Program more responsive to the needs in the Seattle, Everett and Tacoma areas and look forward to meeting with you or your representatives later this month to discuss implementing the new Food Stamp Regulations.

Sincerely yours,

Charles M. Ernst,
Director Western Region.

State of California,
Office of the Attorney General,
San Francisco, November 26, 1969.

Re. Commodity Distribution Program.

Dr. Max Rafferty,
Superintendent of Public Instruction,
State Department of Education, Sacramento, Calif.

Dear Dr. Rafferty: All California counties presently participate in one of two federal food programs—either the Food Stamp Program or the Commodity Distribution Program. Among the counties participating in the Commodity Distribution program, however, eligibility standards vary widely. The results of these variances, of course, is serious disparity between counties of benefits being provided otherwise equally eligible recipients. These disparities are illegal and, we have little doubt, unconstitutional.

The State Educational Agency for Surplus Property, the California "distributing agency" [7 C.F.R. § 250.3(e)], is required by federal law, *i.e.*, regulations of the United States Department of Agriculture (USDA), to "submit a plan of operation for approval" [7 C.F.R. § 250.6(e)] by USDA. Once that statewide plan is approved by USDA (as the California plan was on May 3, 1968), "[d]istributing agencies *shall require* welfare agencies making distribution to households to conduct distribution programs in accordance with ***all provisions of*** *the plan* of operation." 7 C.F.R. § 250.6(e) (Emphasis added.) Distributing agencies are required to enter into agreements with subdistributing agencies and "[a]ll agreements *shall* contain such terms and conditions as the distributing agency deems *necessary to insure* that . . . the distribution and use of commodities is in accordance with this part [7 C.F.R., Part 250]. . . ." 7 C.F.R. § 250.6(b) (Emphasis added.)

We think that the federal rules clearly disallow the inter-county variances presently extant in California. Equally evident, we think, is the fact that the State Surplus Property Agency of the Department of Education has the authority, indeed, the duty, to cure this defect. There is to be *one* statewide plan. The Surplus Property Agency must exact *agreements* from each participating county welfare agency to conform its county plan to the state plan. In addition, it is the duty of the state agency *to require* the various counties *actually to distribute* food in conformity with uniform state requirements. Moreover, the state plan must have, as its core, eligibility criteria which are "the standards used in the state's own welfare program," or others which "must bear a direct relation to such [welfare] standards." 7 C.F.R. § 250.6(e)(5).

In addition, it is our opinion that for the State to operate the Commodity Distribution Program in the manner which allows for inter-county variations well may constitute a denial of equal protection to persons living in counties with the more restrictive eligibility requirements. We think that this conclusion probably is compelled by the decision of the United States Supreme Court in *Shapiro* v. *Thompson*, 394 U.S. 618 (1969) and by rulings of the United States District Court in *Hernandez* v. *Hardin*, U.S.D.C., N.D. Cal., Civil No. 50333.

We are informed, and believe, that the initiation of a lawsuit, challenging the legality and constitutionality of the Commodity Distribution Program as operated in California, is imminent. In such a possible lawsuit, you would be a likely defendant, and one in a largely indefensible position, we fear. In order to protect your interests properly, we feel that it is imperative, and we request the opportunity, to meet with appropriate representatives of the State Department of Education to commence immediately the planning and implementation of a uniform distribution program in all participating California counties.

Very truly yours,

Thomas C. Lynch,
Attorney General.
Jay S. Linderman,
Deputy Attorney General.

EXHIBIT 2

UNITED STATES DISTRICT COURT—EASTERN DISTRICT OF CALIFORNIA

ABASCAL, KERRY & HABERFELD; PETER H. REID; RICHARD M. ROGERS; ATTORNEYS FOR PLAINTIFFS

ANTONIO CORONADO, SALVADOR ALANIZ, JULIA BEGA, ANDREA BERLANGA, PAULINE RENTERIA GARCIA, ALFONSO GOMEZ, LUPE MARIN, DOLORES SAENZ, PETE SUMAYA, MARY VENEGAS, VICTORIA VERA, BERTHA MAUER, ROSIE BURGETT, CHARLOTTE ANDERSON, POLLY FARRELL, MARGARET CANTWELL, INDIVIDUALLY AND ON BEHALF OF ALL OTHER SIMILARLY SITUATED, PLAINTIFFS

v.

MARY QUITORIANO, DIRECTOR, SUTTER COUNTY WELFARE DEPARTMENT, ROBERT HALEY, DIRECTOR, KINGS COUNTY DEPARTMENT OF SOCIAL WELFARE, EDWARD ROBINSON, DIRECTOR, BUTTE COUNTY DEPARTMENT OF SOCIAL WELFARE, MAX RAFFERTY, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF CALIFORNIA, W. A. FARRELL, CHIEF, CALIFORNIA STATE EDUCATIONAL AGENCY FOR SURPLUS PROPERTY, CLIFFORD M. HARDIN, SECRETARY, UNITED STATES DEPARTMENT OF AGRICULTURE, ROY W. LENNARTSON, ADMINISTRATOR, FOOD AND NUTRITION SERVICE, U.S. DEPARTMENT OF AGRICULTURE, CHARLES M. ERNST, DIRECTOR, FOOD AND NUTRITION SERVICE, WESTERN REGION, U.S. DEPARTMENT OF AGRICULTURE AND BERNICE CANATA, ADMINISTRATOR, FOOD AND NUTRITION SERVICE, COMMODITY DISTRIBUTION PROGRAM, WESTERN REGION, U.S. DEPARTMENT OF AGRICULTURE, DEFENDANTS

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

INTRODUCTION

This action seeks compliance by the defendants of their respective duties in the administration of the Commodity Distribution Program. The food which should be but is not now available is literally vital to plaintiffs to prevent great and truly irreparable injury to them and, especially, their children.

The Commodity and the Food Stamp Programs together comprise USDA's Family Food Assistance Program. Local communities can choose which they care to operate. The Commodity Program provides in-kind, donated free of charge to the State Department of Education which in turn donates it to 25 California county welfare departments, imposing only *de minimus* administrative costs.

Many of the counties, including the defendant counties, have adopted, and enforce, very restrictive eligibility standards, contrary to federal statutes and regulations and, in fact, State law. State and Federal Defendants have long been aware of such practices; thus far, they have deferred to "local control," (with a vengeance), in clear derogation of their clear legal duty to compel a modicum of compliance with the law.

The restrictive standards operate to exclude a large number of persons receiving federally-aided public assistance. Apparently, Local Defendants believe that such payments are sufficient to achieve an adequate diet.

Happily, this Court is not asked to adjudicate the merits of that policy judgment. Rather, Plaintiffs contend that neither the controlling statutes nor the regulations allow the exclusion of *any* recipient of public assistance. If this Court holds to contrary, plaintiffs contend that variable eligibility, based upon the county of residence, is a denial of due process and equal protection of the law.

1. In 1935, the United States Congress recognized the cruel anomoly that exists when millions of people go hungry in this, history's richest, most advanced civilization. Congress established the "Food Trust" and nominated the Secretary of Agriculture as trustee. Congress declared that the Trust "shall be used . . . to . . . encourage the domestic consumption of . . . [agricultural] commodities . . . among persons in low income groups. . . ." (7 U.S.C. § 612c(2)). Secretary of Agriculture, Henry A. Wallace optimistically said, "If this plan is fully successful, it means that the day is not far distant when *all* of the people of the United States will be adequately nourished. . . ." (84 Cong. Rec. 3230 [1939], emphasis added).

2. On May 6, 1969, President Richard M. Nixon said: "Our agricultural system produces more food than we can consume. . . . So accustomed are most of us to a full and balanced diet that, until recently, we have thought of hunger and malnutrition as problems in only less fortunate countries.

But in the past few years we have awakened to the distressing fact that despite our material abundance and agricultural wealth, many Americans suffer from malnutrition . . . *there can be no doubt that hunger and malnutrition exist in America, and some millions may be affected.*

That hunger and malnutrition should persist in a land such as ours is embarrasing and intolerable . . . the moment is at hand to put an end to hunger in America itself for all time. . . . It is a moment to act with vigor; it is a moment to be recalled with "pride." (U.S. Senate, Select Comm. on Nutrition and Human Needs, Hearings, 2630–32 [emphasis in original]).

3. Congress clearly declared that food assistance programs be implemented "to maximum extent practicable to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households." (7 U.S.C. § 2011.)

4. In 1961, President Kennedy, by Executive Order No. 10914, 26 F.R. 639 (January 21, 1961), directed that: "The Secretary of Agriculture shall take immediate steps to make available for distribution, through appropriate state and local agencies, *to all needy families* a greater variety and quanitity of food out of our agricultural abundance." (Emphasis added.)

5. In order to effectuate this policy, Congress created the "Food Trust" by directing that 30% of annual customs duties be used to fund the Commodity Distribution Program. Whatever the absolute dollar value of that 30%, Congress declared that it all should be spent until the goals of the Program are achieved. Any funds unexpended at the end of a fiscal year may be retained for future use. The only limitation imposed is that no more than $300,000,000.00 can be carried

over for use in future years. For example, in fiscal 1966, $697,725,547.00 was available; since the $300,000,000.00 maximum had been reached the previous year, $208,682,970.00 was forfeited owing to the lack of concern of USDA. For the same reason, $187,467,480.00 was forfeited in 1967 and $229,038,999.00 went unexpended in 1968. It is estimated that over $90,000,000.00 will go unused in fiscal 1969. Thus, for the past four years, over $715,000,000.00 was available to "safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households." (7 U.S.C. § 2011.) However, the Secretary of Agriculture unilaterally ignored the highest legislative and executive mandates, thus permitting the cumulative deprivation of the Nation's hungry poor and abrogating the Congressionally imposed Trust.

6. In spite of the availability of nearly three-quarters of a billion dollars during the past four years, commodity distribution has been severely limited by a seemingly endless variety of restrictive eligibility standards imposed by counties charged with the actual duty of certifying the eligibility of and distribution to, the Nation's undernourished needy. For example, defendant Robert Haley, Director, Kings County Department of Social Welfare, promulgated regulations denying commodities to *any* recipient of public assistance in Kings County. Likewise, defendant Mary Quitoriano, Director, Sutter County Welfare Department had promulgated similar regulations which were in effect until December 15, 1969. Since then, only elderly, infirm and blind recipients of public assistance are denied commodities. New regulations make eligible, approximately, one-half of the needy AFDC families receiving public assistance. In Butte County, defendant Edward Robinson, Director, Butte County Department of Social Welfare, has promulgated regulations which exclude approximately one-half of the recipients of public assistance in Butte County.

7. 25 of the 58 Counties of California participate in the Commodities Program. All of these are rural counties and are major producers of Agricultural Products.

8. These examples are by no means unique. "The standards of eligibility used by both commodity and food stamp programs have little or no relation to need. With respect to income limits, residence requirements, employment status, and other requirements, there is an almost infinite variety of eligibility standards among the 50 states and often among counties within each State. This is true particularly with the commodity distribution program." (U.S. Senate, Select Comm. on Nutrition and Human Needs, Interim Rpt. "The Food Gap: Poverty and Malnutrition in the U.S." (Aug. 1969) at 24.) Some restrictions are indeed unusual: in Cass County, Indiana, no family with a dog can receive commodities (California, by contrast, grants $18.00 monthly for food costs for guide dogs of blind welfare recipients); in Starke County, Indiana, food is denied for the sake of the children, "If one or both parents are drunks." (*Id.* at 25.) It is clear that the Federal Defendants have long been aware of such arbitrary and multiplicitious variations: the conclusions of the Senate Committee were based upon a study conducted by the USDA.

IRREPARABLE INJURY

9. The irreparable injury currently being suffered and likely to continue may most clearly be seen from the affidavits of the plaintiffs, all of whom are recipients of federally-aided public assistance and are nevertheless denied commodities:

(*a*) Plaintiff, Salvador Alaniz, Kings County father of five, says that when he asked his social worker for commodities "She told me that only if my house burned down or something similar to that happened, only then would I be eligible . . . I then went to the Salvation Army and got an order of food. At this time I had no meats, vegetables, or milk for my children and I was in great need of the commodities." (Exhibit A)

(*b*) Plaintiff, Julia Bega, Kings County mother of six, states that when the social worker refused her request for commodities she told her of her many unmet needs and the inadequacy of her welfare check: "I told her that we had no hot water in the house . . . no shower or bathtub . . . I told her that we had a well out in the back yard but that the water was bad, dirty and unfit for drinking and that all the drinking water had to be hauled in from Corcoran. I told her that we had a homemade cesspool in the backyard that was overfull and that when we flushed the toilet the water would come out in the backyard and that it was a very big problem in the summer because the flies gathered there. I told her that the roof of my house leaks . . . and that when it rains we have to move all the beds into the living room to keep from getting wet." (Exhibit B)

(*c*) Plaintiff, Andrea Berlanga, Kings County mother of eight, says: "On the last days before I get my [welfare] check I have to feed my children nothing but starchy food, macaroni, spaghetti, rice and beans, and I can't fry the beans because of lack of shortening . . . My son, who is a Junior in high school, doesn't have money to pay for his lunch and he and some other kids get together and share money. When one of them has money, they all eat out of the forty cents." (Exhibit C)

(*d*) Plaintiff, Antonia Cornado, Kings County father of eight, relates that when he asked for commodities at Christmas of 1969, his welfare worker asked me if I had any extra money to buy food. I said no. She then asked me if I had a friend I could borrow money from . . . I told her that all of my friends were out of work due to the fact that it was winter and because of the floods. She then asked me if I could get credit at a grocery store. I told her no . . . She then told me to make do anyway I could since it would only be three or four days until I got my check." (Exhibit D)

(*e*) Plaintiff, Pauline Renteria Garcia, Kings County, widowed mother of two minor girls, who each have a child, states that when she asked for commodities from her welfare worker in October of 1969, "she told me that I was not eligible. At this time I had no food in the house. One of the Vista volunteers finally got me a basket of food from the Catholic Church." (Exhibit E)

(*f*) Plaintiff, Alfonso O. Gomez, Kings County father of five, on "January 13, 1970, my three-year old daughter was feeling sick. I took her to the doctor. The doctor diagnosed her ailment as an anemic blood condition due to an inadequate diet. The doctor told me to make sure that she ate fresh fruit, vegetables, milk and meat to help her get over her condition. Knowing that my welfare check was inadequate and I could not afford fresh fruits, milk, vegetables or meat for my daughter, I went to the welfare department . . . and talked to Mrs. Noreen Stader . . . [who] told me she could not give me commodities because commodities are not for people on welfare . . . I hold her that all I had in the house at that time was potatoes, a few eggs and some beans . . . that my daughter was anemic and . . . what the doctor recommended . . . I told her that if she would help me out just this once I wouldn't ask for any further food orders or commodities Mrs. Stader said she could not consider this enough of an emergency" . . . (Exhibit F)

(*g*) Plaintiff, Lupe Marin, Kings County mother of four, states that when she asked her social worker for commodities in December of 1969, because her check from the welfare department was only $3.00, "the social worker said she had no authority to authorize commodities and had to talk to her supervisor. She then came back and told me that we could not get food commodities because we were on welfare and we were ineligible . . . We had no milk or meat in the house for the children and very little or any kind of food. I then had to go and borrow . . . money . . . to buy food." (Exhibit G)

(*h*) Plaintiff, Dolores Saenz, Kings County mother of five, says that "my children range in age from seven to eleven years of age. My father-in-law . . . has to give me money before every check so that I can continue to feed my children, since I do not have enough with the money that I receive from welfare."

(*i*) Plaintiff, Marcy Sumaya, Kings County mother of four, relates the following story "I had to pawn a camera and a rifle to buy food. I work in the fields when the weather lets me, yet I do not earn enough to feed my children. When my children get sick, the doctor recommends vegetables, juices and plenty of meat, but since I cannot afford it they have to go without . . ." (Exhibit H)

(*j*) Plaintiff, Mary Venagas, Kings County mother of four says that she "went to the welfare department and asked Cleo Wright for commodities. She told me I could not have any commodities because I was getting a welfare check. I have on many occasions after being refused commodities by the welfare department had to pawn different articles at the pawn shop in order to buy food." (Exhibit J) (*k*) Plaintiff Victoria R. Vera, Kings County mother of two says that "in the winter of 1969 when it was raining and there was no work available, I went to the Welfare to ask for commodities. I was told that I was not eligible because I was on welfare . . . My children had not had any meat, fresh vegetables or milk for quite a period of time. I felt that if I could get an order of commodities from the welfare department that I could provide a more adequate diet for my children and grandchildren. (Exhibit K)

(*l*) Plaintiff, Bertha Mauer, Sutter County, is a seventy-nine year old recipient of Old-Age Assistance (OAS). She is partially blind and has a strangulated hernia. Her physical condition requires relatively large, unusual expenditures which reduces her food allowance. (Exhibit L)

(*m*) Plaintiff, Rosie Burgett, Sutter County, is a recipient of Aid to the Totally Disabled. She suffers from serious heart ailments. She tried to get commodities but her caseworker told her "that commodities are only available for some families. (Exhibit M)

(*n*) Plaintiff, Charlotte Anderson, Butte County mother of four is denied commodities because she receives $50.00 child support from her former husband. The state determined "needs for her family is $279.00 per month. The maximum grant allowable is $263.00. Thus, her "unmet need" is $16.00. Since her child support payment exceeds this amount, the whole thereof is subtracted from $279.00 and she receives $229.00 from the Butte County Welfare Department. She and her family are denied commodities for this reason. If she moved to neighboring Yuba County, she would automatically be eligible for food stamps. (Exhibit N)

(*o*) Plaintiff, Polly Farrell, Butte mother of three says: "My husband would like to work full-time to support our family, but he has had cancer surgery four times . . . also he has a degenerative spine . . . [and] a blood clot . . . Right now I'm under a doctor's care for heart trouble . . . In September, I went and told . . . the social worker that if I didn't get commodities, I would get the food anyway I could, even if I had to go to jail. [W]e got the food commodities on a one-month only emergency card." (Exhibit O)

(*p*) Plaintiff, Margaret Cantrell, Butte widow with four children, states: "I didn't get food commodities in September, October, November and December. Then my son-in-law and daughter and their four children, who didn't have any money, moved in with us. My son-in-law made a fuss because I wasn't getting the food, and finally we all got the food for January but only on a card with my son-in-law's name, and only on a one-month basis . . . My son-in-law and his family plan to be leaving the area about the middle of February. This will be a relief to all of us, because of the living conditions, and because my welfare check will be cut off if they keep living here. So, I'll be right back where I started from, without the commodities. (Exhibit P)

10. On information and belief, Local Defendants have denied commodities to welfare recipients based on a policy judgment that welfare grants are adequate.

11. The deleterious effects of such deprivation have been amply documented by legislators, *scientists* and laymen.

12. There is substantial evidence linking malnutrition in children with impaired physical and mental development. There is mounting evidence that hundreds of thousands of California children live in families whose incomes are so low that maintaining an adequate diet is a daily struggle, at best precarious and all too often impossible. [Assembly Comm. on Health and Welfare (Chmn., Gordon Duffy, Hanford, Kings County), "Malnutrition: One Key to the Poverty Cycle." (January 12, 1970) 1. Hereafter, "Duffy Report"]

13. What the average citizen may not know is that the great majority of California children who are in danger of becoming victims of malnutrition are dependent mainly upon public welfare funds for subsistence. There are more than 750,000 children in California receiving Aid to Families with Dependent Children (AFDC). The incomes of more than half of these children are arbitrarily limited by one state law to an amount less than that defined by another state law as being minimally adequate. (Duffy Report 2.) This is what is meant by "unmet need."

14. One out of nine California children, more than 750,000 youngsters, depends on AFDC as his primary source of income. At least 50 percent, and in some areas more than 90 percent, of these children are fed on less than the minimum amount of money required to purchase a nutritionally adequate diet. (Duffy Report 17)

15. The Duffy Report specifically finds that the nutrition level of a child's diet is most influential during his pre-school life. Thus it is crucial that nutritional needs be adequately satisfied at home since these children are untouched by any of the school lunch or breakfast programs. (Duffy Report 17)

16. Lack of sufficient protein in the diet of a pregnant woman is a cause of mental retardation in the child. (Duffy Report 7)

17. A human infant's brain grows by division of cells in utero and for six months after birth. After six months, even good nutrition can do nothing to increase the number of brain cells; a malnourished infant's capacity for learning may therefore already be limited before he is a year old. (Duffy Report 7)

18. A child's brain grows to four-fifths of its adult weight in the first three years of life. A child subjected to malnutrition in utero and/or during his first three years is three to ten times more vulnerable to mental retardation or stunted physical and mental development than is a well-fed child. (Duffy Report 8)

19. Screening for the State's largest pre-school education program for low-income children found eight percent of the three to five year olds to be suffering from "gross nutritional neglect". Cases of advanced stages of rickets were found. Over 50 percent of the children needed extensive dental repair work. All of these findings are behooved to be directly attributable to deficient diet prior to age three. (Duffy Report 8)

20. One of the most significant indicators of malnutrition among children is the incidence and severity of dental problems. Two years ago the Kings County City of Corcoran surveyed 250 income children between the first and third grades. Of the 250 children, 178—59%—had multiple caries.

21. Another major hunger indicator is the incidence of functional anemia. Of the 250 children surveyed by the city of Corcoran, 127 or 49.6% had functional anemia. At the Head Start Center in Lemoore, Kings County, five of the 21 pupils, nearly 25%, have blood counts that indicate functional anemia.

22. The incidence of functional anemia would be greater if the physical examinations were given before the program began. As it is many children had been attending the center and getting at least one nutritious meal a day for some time prior to the examinations. That the incidence of functional anemia is still high indicates the seriousness of the problem. At the same time, it shows the difference good food can make to the children.

23. Low income women have greatly increased chances of producing premature infants and/or having "complicated" pregnancies and deliveries. Such off-spring will then have greatly increased risk of brain damage or (in the case of prematures) slow development and special needs. The causes of prematurity and other complications of pregnancy include: (1) small bone size in the expectant mother; (2) poor nutrition and infectious disease during the pregnancy.

24. Children under four years of age are the most vulnerable to the damaging consequences of malnutrition. These children, about 30 percent of the AFDC child population, or nearly 250,000 children, obviously are almost impossible to reach with school or group-based feeding programs, since they stay at home. (Duffy Report 17)

25. The most immediate and expeditious means of reaching virtually all welfare children with a minimally adequate diet is therefore to concentrate on food *at home* with funds made available in sufficient amounts to permit the purchase of proper quantities of nutritious foods. (Duffy Report 18)

26. The most sophisticated and expensive compensatory education cannot restore a poor child's ability to compete intellectually on equal terms if that child's potential for intellectual development has been irreversibly impaired by malnutrition. (Duffy Report 3)

STATE AND LOCAL OPERATION OF THE PROGRAM

27. USDA regulations require that State Defendants submit a plan of operation to USDA which shall govern the Commodity Program in California. State Defendants are required to comply with the State Plan.

28. State Defendants are required to establish specific eligibility standards, of statewide applicability, which "shall include maximum income limitations consistent with the income standards used by State . . . in administration of its Federally aided public assistance programs." 34 F.R. 547 (January 15, 1969).

29. State Defendants have delegated responsibility for actual distribution to county welfare departments. In such case, federal regulations require such agencies to conduct distribution in accordance with the State Plan.

30. Notwithstanding, Federal and State Defendants have approved the harshly restrictive county plans and have permitted the Local Defendants to operate the program accordingly.

31. Federal regulations [7 C.F.R. § 250.6(e)] provide that "as a minimum, the state plan shall include, one or both of the following, to which distribution will be made:

(i) *Public Assistance households.*
(ii) *Non-public Assistance households.*

32. The single category, Low-income households, the intended beneficiaries of the Program, are thus divided into two mutually exclusive categories, both of which have the common characteristic of need.

33. The State of California has elected to include both public assistance and non-public assistance households in the State plan, which plan was approved by the Federal Defendants on May 3, 1968.

34. The operation of the program in Sutter County is in gross violation of the federal statutes and regulations and the State plan in that commodities are denied to all recipients of three of the four federally-aided public assistance programs, the aged under Old-Age Security [OAS], the infirm under Aid to the Totally Blind [AB]. Some recipients of Aid to Families with Dependent Children [AFDC] were only made eligible on or about December 15, 1969. Prior thereto, all recipients of federally-aided public assistance were denied commodities.

35. The non-conformity of the Kings County plan is even more egregious. Commodities are simply denied to all recipients of federally-aided public assistance programs.

36. The illegality of the Butte County Plan is found in the "unmet need" condition added thereto. The effect of this gratuitously, unauthorized condition denies food, upon information and belief, to fully one-half of all recipients of federally-aided public assistance.

37. In contrast with the Commodities Program, recipients of federally aided public assistance are automatically eligible for the Food Stamp Program, as administered by the State Department of Social Welfare and the county welfare departments. No local restrictive eligibility factors are allowed or are operative. All of the plaintiffs would be eligible for food stamps but for their county of residence.

38. On January 27, 1970, Defendant Kings County Board of Supervisors declared the county a deprived area. Plaintiffs are informed and believe that the purpose was to qualify the county for additional Small Business Administration loans. Defendant Board stated that 24.5% of its citizens survive on incomes below the poverty level. Kings County is also receiving federal and state disaster aid, cotton allotment renewals and cost sharing to repair flood damaged farmland. There are no emergency food measures in existence.

39. The USDA, in fiscal 1968, paid Kings County growers $10,279,927.00 not to produce and thus raise the prices of crops necessary to the survival of its poor citizens. Individual growers received astronomical amounts: J. G. Boswell, $3,010,043.00; Southlake Farms, $1,177,320.00; Salyer Land Co., $786,459.00; Westlake Farms, $341,797.00. Sutter County growers were paid $204,811.00 to further food price increases.

40. On information and belief, Kings and Sutter counties each spend less than $6,000 each year for the administrative costs to provide commodities to between 200 to 300 persons in each county.

41. On or about September 15, 1969, pursuant to a previous unanimous vote of the defendant Kings County Board of Supervisors, the monthly salary of each supervisor increased by $200.00, the Chairman's by $250.00, an annual total of $12,600.00. On or about January 13, 1970, pursuant to a previous unanimous vote of the defendant Butte County Board of Supervisors, the monthly salary of each supervisor was also increased by $200.00.

42. In September, 1969, 8,242 persons (12% of the population) were receiving federally aided public assistance in Kings County. The 1969 monthly average of persons receiving commodities was 263, or 4% of the welfare caseload.

43. In September, 1969, 3,337 persons (8% of the population) were receiving federally aided public assistance in Sutter County. USDA data for June, 1969, show that 208 persons participated in the Commodity Program.

DEFENDANTS

44. *Federal Defendants.*—Defendant Clifford M. Hardin is Secretary of the
United States Department of Agriculture and in said capacity he is responsible
for the administration and operation of the Commodities Distribution Program.
Defendant Roy W. Lennartson is the Administrator of the Food and Nutrition
Service and in said capacity is directly responsible for all federal food programs
administered by the Department. Defendant Charles M. Ernst is a direct sub-
ordinate of Mr. Lennartson and is the Director, Food and Nutrition Service;
Western Region, which includes California. Defendant Bernice Canata is a di-
rect subordinate of Mr. Ernst and is responsible for the administration of the
Commodities Distribution Program in the State of California.

State Defendants.—Defendant Max Rafferty is the Superintendent of Public
Instruction and Director, Department of Education, State of California, and
in said capacity he is the chief state official responsible for the administration
and operation of the Commodities Distribution Program. Defendant W. A. Far-
rell is a subordinate of Dr. Rafferty and is Chief, California State Educational
Agency of Surplus Property.

Local Defendants.—Defendant Mary Quitoriano is Director, Sutter County
Welfare Department and in such capacity is responsible for the administration
and operation of the Commodity Distribution Program in Sutter County. De-
fendant Edward Robinson is Director, Butte County Department of Social Wel-
fare and in such capacity is responsible for the administration and operation
of the Commodity Distribution Program in Butte County. Defendant Robert
Haley is Acting Director, Kings County Department of Social Welfare and
in such capacity is responsible for the administration and operation of the
Commodity Distribution Program in Kings County. Defendants Kings County
Board of Supervisors, Sutter County Board of Supervisors and Butte County
Board of Supervisors are the legislative bodies with the duty and authority
to appropriate sufficient funds to operate the Commodity Program in their
counties in full compliance with the law.

Each of the aforementioned defendants is sued solely in his or her official
capacity.

45. This is a proper class action within Rule 23 of the Federal Rules of Civil
Procedure. The named plaintiffs represent the class of welfare recipients and
non-welfare poor in California who are denied food under the Commodities Dis-
tribution Program due to defendants' refusal to comply with the constitutional,
statutory and regulatory requirements of the Commodity Distribution Pro-
gram and California State Plan. They sue on their own behalf, on behalf of
their families and on behalf of all other persons similarly situated in the State
of California. The members of the aforementioned classes are so numerous that
their joinder is impracticable. Nonetheless, members of the class have com-
mon interests in the questions of law and fact to be litigated herein. The claims
of the plaintiffs are typical of all the members of the class, and litigation by
them will fairly and adequately protect the interests of the class.

JURISDICTION

46. This is a civil action for injunctive and declaratory relief which arises
under 7 U.S.C. §§ 612(c) and 1431 and the Fifth and Fourteenth Amendments
to the United States Constitution. Jurisdiction of this Court is invoked under
28 U.S.C. § 1331 (Federal Question), § 1337 (Commerce), § 1361 (Mandamus),
42 U.S.C. § 1983 denial of Constitutional rights under Color of law) and 5 U.S.C.
§ 702 (review of agency action). The amount in controversy exceeds the sum
of $10,000, exclusive of interest and costs. A declaration of rights is sought
under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.

CONTROVERSY

47. There is an actual controversy now existing between parties to this action
as to which plaintiffs seek judgment of this court. Plaintiffs seek a declaration
of the legal rights and relationships involved in the subject and controversy.

48. Plaintiffs, and the class they represent, have incomes substantially below
the minimum needed for even a subsistence level of existence. They will suffer
irreparable injury and severe economic deprivation by reason of the continued
application of the aforementioned standards denying them eligibility under the
Commodity Distribution Program.

49. Plaintiffs, and the class they represent, have no plain, adequate or speedy remedy at law to redress such injury and deprivation and therefore bring this suit for declaratory and injunctive relief as their only means of securing such relief.

50. Federal Defendants have denied plaintiffs, and the class they represent, of benefits to which they are legally entitled, by their careless and wanton disregard of their duties under the Congressional Mandate to implement the Commodity Distribution Program "to the maximum extent practicable to safeguard the health and well-being of the Nations population and raise levels of nutrition among low-income households." (7 U.S.C. § 2011) ; rather than act so as to "encourage the domestic consumption of such commodities . . . among persons in low income groups . . ." (7 U.S.C. § 612c(2)), their actions have discouraged and frustrated the Congressionally Mandated goals.

By permitting the crazy-quilt pattern of commodity distribution to arise and persist due to the varing eligibility standards of each county, Federal, State and Local Defendants have denied plaintiffs, and their class, due process and equal protection of law solely on the basis of their county of residence. By the abdication of their duty to comply with the governing federal and state regulations, State and Local Defendants have denied plaintiffs, and the class they represent of the benefits to which they are entitled.

EXHAUSTION

51. There is no administrative remedy adequate or otherwise, for plaintiffs to exhaust. Nevertheless, plaintiffs have exhaustd such other, informal remedies that they have nearly reached a state of attrition. For nearly three years, plaintiffs, by their counsel, have urged all defendants to comply with the law, all to no avail. On April 28, 1967, Defendant Ernst's only suggestion was that plaintiffs plead with the Sutter County Board of Supervisors to comply with the law. Tens of letters have been exchanged between plaintiffs' counsel and defendants since October, 1969, to no avail. Without the aid of this Court, plaintiffs hunger will not abate.

Wherefore, plaintiffs, on behalf of themselves and all others similarly situated, pray that this Court:

1. Assume jurisdiction in this matter;
2. Temporarily, preliminarily and permanently enjoin the defendants, their agents, successors and assignees, from failing or refusing to enforce their constitutional, statutory and regulatory duty to implement the Commodity Distribution Program in the shortest time feasible, to ensure that all needy persons otherwise eligible under federal law, including all recipients of federally-aided public assistance, are not denied the benefits of the program.
3. Declare that the Plaintiffs, and all others similarly situated, are by virtue of their immediate and present need, entitled under the Constitution, statutes and regulations of the United States, and the California State Commodities Plan, to receive federal food benefits.
4. Allow plaintiffs their costs of suit and grant them and others similarly situated such other and further relief as this Court deems just under the circumstances.

Respectfully submitted,

RALPH ABASCAL,
Attorney for the Plaintiffs.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

(No. 70-774-R)

ABASCAL, KERRY & HABERFELD, RICHARD M. ROGERS, PETER H. REID, BEATRICE A. MOULTON; ATTORNEYS FOR PLAINTIFFS

ANTONIO CORONADO, ET AL., PLAINTIFFS

v.

MARY QUITORIANO, ET AL., DEFENDANTS

PHENIE FAIR, ET AL., PLAINTIFFS

v.

GEORGE JEFFREY, ET AL., DEFENDANTS

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' APPLICATION FOR SUMMARY JUDGMENT

INTRODUCTION

This suit to obtain judicial review of the administration of the Commodity Distribution Program, 7 U.S.C. §§ 1431, 612c, 1446a–1 and 2011, was filed by Plaintiffs in the United States District Court, Eastern District of California, on February 4, 1970. In general, the Complaint seeks declaratory and injunctive relief to require the local, state and federal Defendants, all of whom have their respective administrative responsibilities, to provide Program benefits to all California residents entitled thereto under State and Federal law. Essentially, Plaintiffs seek a declaration that *all* recipients of federally-aided public assistance programs are entitled to benefits under the Commodity Distribution Program and that the Court enjoin said Defendants to fulfill their responsibilities.

On February 4, 1970, the District Court set February 12, 1970, for the hearing on Plaintiffs' Motion for Preliminary Injunction.

On February 5, 1970, the state Defendants submitted a new State Plan of Operation of the Program to the federal Defendants. On February 6, 1970, federal Defendant Charles M. Ernst approved the new State Plan. [A copy of the Plan is attached hereto as "Exhibit A."]

On February 12, 1970, the local Defendants in Kings, Butte and Sutter Counties requested continuances to further prepare their responses. The continuances were granted and the matter was reset for hearing on February 24, 1970.

On February 24, 1970, Plaintiffs and the state Defendants entered into a stipulation which stated that there were twelve non-conforming California counties: Butte, Kern, Kings, Mendocino, Merced, Plumas, Santa Barbara, San Bernardino, Sutter, Tehama, Tulare, and Ventura. On the date, Plaintiffs requested the Court to continue their Motion for Preliminary Injunction to March 23, 1970, on the basis of an Affidavit submitted by Richard W. Evans, an agent of Defendant Rafferty. The substance of the Affidavit was to the effect that since the filing of the Complaint six of the twelve counties were complying with the State Plan, or had agreed to comply in the immediate future, and that appointments had been scheduled with the remaining six counties whereby the federal and state representatives would meet with local county officials to effectuate rapid compliance. [See Affidavit of Richard W. Evans, dated February 24, 1970, attached hereto as "Exhibit B."]

On March 23, 1970, federal and state Defendants reported to the Court that all but three, San Bernardino, Santa Barbara and Merced Counties had complied. Merced and Santa Barbara Counties had agreed that they would comply in the immediate future, or convert to the Food Stamp Program. Defendants San Bernardino County and Roscoe Lyda moved, under 28 U.S.C. § 1404(a) for a change of venue to the Central District of California. Plaintiffs did not oppose said Motion and in fact, entered into a stipulation to effectuate the change of venue. Shortly thereafter, Defendant Merced County agreed to comply with the State Plan and Santa Barbara County filed an Affidavit indicating that they had applied for the Food Stamp Program. Plaintiffs requested the dismissal of the Merced County Defendants and this Court so ordered on June 12, 1970.

Defendants Roscoe Lyda and San Bernardino County then, by Motion dated April 21, 1970, moved to dismiss, or in the alternative, to strike several portions of the Complaint; each motion was based on several grounds.

By Motion dated April 28, 1970, Plaintiffs moved to intervene Plaintiff in intervention herein.

By Motion dated April 30, 1970, Plaintiffs moved for preliminary injunction.

By Motion dated May 12, 1970, Defendants requested an injunction bond in the amount of $500,000.

The date set for hearing on the above Motions was May 18, 1970. On that date, counsel for both Plaintiffs and Defendants requested a continuance and the Court continued the hearing to June 1, 1970.

By order dated May 25, 1970, the Court allowed Plaintiffs to submit their Motion for Summary Judgment against Defendants Roscoe Lyda and San Bernardino County.

All of the various Motions then pending were heard on June 1, 1970. The Court ordered Plaintiffs to amend their Complaint, allowing 20 days therefore, so as to specifically allege the illegality of the Program as administered by Defendants

G. Jeffrey and San Bernardino County. The amended Complaint was filed on June 19, 1970.

Plaintiffs now renew their Motion for Summary Judgment against Defendants Roscoe Lyda and County of San Bernardino. This Memorandum will first discuss the merits of Plaintiffs' claim and then proceed to several procedural matters.

I

Both Federal and State law declare that all public assistance households residing in a county operating a commodity distribution program are eligible for benefits thereunder.

The pertinent part of the San Bernardino County Plan states:

Households to be Served Are:

1. Public Assistance Households receiving grants under Aid to Families With Dependent Children (AFDC) where there is an unmet need between the Welfare budgetary need and the actual amount of the grant, and which meet the other requirements for Public Assistance Households as defined below, are eligible. Section II–D, p. 5, San Bernardino County amended operation plan and procedure manual for the ***distribution of surplus commodities*** (September 1969). [Attached hereto as "Exhibit C."]

For purposes of brevity, this is called the "unmet need" regulation. To fully understand its significance upon the poor in San Bernardino County, it is necessary to discuss certain aspects of the public welfare system. The Social Security Act of 1935 established four programs of public assistance, generally called categorical assistance programs. There are three adult programs and one children's program: Old Age Assistance (OAA), 42 U.S.C. §§ 301 et seq; Aid to the Blind (AB), 42 U.S.C. §§ 1201 et seq; Aid to the Disabled (ATD), 42 U.S.C. 1351 et seq; and Aid to Families with Dependent Children (AFDC), 42 U.S.C. §§ 601 et seq. In California, the statutory bases for each program is to be found in the Welfare and Institutions Code: OAA (called Old Age Security [OAS] in California), §§ 1200 et seq; AB, §§ 12500 et seq; ATD, §§ 13500 et seq, and AFDC, §§ 11200 et seq. Each of these programs are jointly financed by federal, state and local governments, with the bulk of the financing provided by the federal government.

There are two basic factors which enter into the determination of how much assistance is actually paid to a recipient. First, under each program, the state is to establish a standard of need. Secondly, each state is permitted to establish the maximum of payment, notwithstanding the determination of need. In other words, it is permissible for a state to establish, for a given recipient in a given program, a maximum cash payment which is less than, or equal to the predetermined standard of need. See *Rosado v. Wyman*, ——U.S.——, 90 Sup. Ct. 1207, 1215–16 (1970); *King v. Smith*, 392 U.S. 309, 318–19, 88 Sup. Ct. 2128, 2134 (1968).

In California, recipients in the adult programs, OAS, AB and ATD, receive a cash grant, in nearly all cases, that is equal to their needs. See State Department of Social Welfare, Manual of Policies and Procedures: Public social services §§ 44–200 to 44–211 and the grant maxima regulation, § 44–311. However, in the AFDC Program, the maximum grants established by Welfare and Institutions Code § 11450 in almost all cases is lower than the total needs established by regulation. Examples of this differential can be seen in the recent report of the California State Assembly Committee on Health and Welfare, Malnutrition: One Key to the Poverty Cycle (January 12, 1970) at pp. 10–11, attached hereto as "Exhibit D." This difference between the "maximum grant" and "needs" is called "unmet need." If an AFDC family receives income from another source, such as child support, intermittent, seasonal or part-time earnings, Social Security payments, etc., the maximum grant is reduced only to the extent which such outside income exceeds "unmet needs." For example, assume a family with a widowed mother of eight minor children. Assume that the total needs determined by regulation are $502. The maximum grant established by Welfare and Institutions Code § 11450 is $373. Thus, unmet need is $129. Assume that the family receives $180 Social Security benefits from the deceased father's Social Security account and $10 child support from the father of one of the children, which child is not the child of the deceased father. Thus, the total outside income of $190 is subtracted from the $502 needs and the family would receive $312 from the Welfare Department. Alternatively one can say that $190 exceeds the "unmet need" of $129 by an amount equal to $61 and that that $61 substracted from $373 equals $312. In California, it is estimated that 35 to 45 percent of the AFDC families have sufficient outside income to satisfy the minimum needs. "Exhibit D" at page 11.

Thus, the effect of the "unmet need" regulation in the San Bernardino County Commodity Distribution Program Plan denies benefits to nearly all adult recipients of public assistance and 35 to 45 percent of the AFDC recipients. Presently, San Bernardino County provides benefits to approximately 30,000 public assistance recipients. It has been estimated by the County that their failure to comply with the federal and state regulations excludes approximately 42,000 public assistance recipients. [See Affidavit of Richard W. Evans, an agent of Defendant Rafferty, dated March 23, 1970, at pp. 4–5, based on the San Bernardino County analysis which is attached to Mr. Evan's Affidavit and designated "Exhibit B" thereto; Mr. Evan's complete Affidavit is attached hereto as "Exhibit E."]

1. The Federal regulations

The federal regulations governing the Commodity Distribution Program are to be found in 7 C.F.R. § 250. The State of California has designated the State Department of Education as the state agency to administer the Commodity Program. California Education Code §§ 450–51. Thus, it is the "distributing agency" which has entered into an agreement with the United States Department of Agriculture "for the distribution of commodities to eligible recipient agencies and recipients." 7 C.F.R. § 250.3(e) San Bernardino County Welfare Department is a "welfare agency" as defined in 7 C.F.R. § 250.3(s). Title 7 C.F.R. § 250.3(e) states that:

> *Welfare distribution.*—Distributing agencies, prior to making distribution to welfare agencies or households, shall submit a plan of operation for approval [to USDA] . . . . Such a plan shall incorporate the procedures and methods to be used in certifying households as in need of food assistance and in making distribution of commodities to them. * * * Distributing agencies shall require welfare agencies making distribution to households to conduct distribution programs in accordance with all provisions of the plan of operation. As a minimum, the plan shall include the following:
>
> (1) The categories of households, one or both of the following, to which distribution will be made:
>
> (i) ***Public assistance households.***—Those households in which (a) all members are receiving benefits under the federally-aided public assistance programs for the needy authorized in the Social Security Act or under State or local welfare programs; or (b) those households in which some of the members receive such benefits, that all members thereof are included in the determination to grant such benefits; or (c) those households in which all members are recipients of assistance from grants under a Work Experience and Training Program (Title V, Economic Opportunity Act of 1964).
>
> (ii) ***Non-public assistance households.***—Those households in which none of the members receive benefits as described in subdivision (i) of this subparagraph, or in which some of the members receive such benefits but all of the members are not included in the determination to grant such benefits.
>
> (5) The specific criteria to be used in certifying households as in need of food assistance. Each State Agency shall establish a specific standard to be used in determining the eligibility of applicant households. Such standards shall include maximum income limitations consistent with the income standards used by the State Agency in administration of its Federally aided public assistance programs. Such standards shall also place a limitation on the resources to be allowed eligible households. The standards of eligibility for households used by each State shall be subject to the approval of [USDA].

The California State Plan was adopted by the State on February 5, 1970, one day after this suit was commenced. The Plan was approved by USDA on February 6, 1970. Title 7 C.F.R. § 250.6(e)(1) grants authority to the State of California, and *only* the State of California to include public assistance or non-public households, or both, as households eligible for distribution of commodities. The State has elected to include both types of households. "Exhibit A" at II.B, pp. 1–2. Title 7 C.F.R. 250.6(e)(5), quoted above requires the State Agency to establish eligibility standards for the households that they have selected to serve.

Only the State Agency has the authority to establish these standards. Once they have been established, 7 C.F.R. 250.6(e) requires that "welfare agencies [San Bernardino County Welfare Department] making distribution to households . . . conduit distribution programs in accordance with all provisions of the plan of operation."

2. The California State plan

The Plan, at § I.B., states that "in order to receive federal foods, public welfare agencies must enter into an Agreement for Distribution of Donated Food, Form No. SEASP–103B." [A copy of this agreement is attached hereto as "Exhibit F."] At § I.C., the Plan further provides that:

> In addition to an approved Agreement for Distribution of Donated Food, a public welfare agency must prepare a Plan of Operation and submit it to the State Agency for approval . . . prior to the receipt of federal commodities. As a minimum, the Plan of Operation must cover all of the points listed in the following paragraphs. A county operating a Commodity Distribution Program for needy households *must* insure that donated commodities are *uniformally* available to *all* households; both *public assistance* and non-public assistance, that request them and meet the criteria of need *as set forth in this State Plan. No county may operate a Food Distribution Program to needy households unless the provisions of this State Plan are complied with.* (Emphasis Added.)

The essence of this provision of the State Plan is that *all* public assistance households who meet the criteria of need *as set forth in the State Plan* are eligible for and should receive commodities. The definition of public assistance households in the State Plan, in § II.B, utilizes exactly the same language as 7 C.F.R. § 250.6(e)(1)(i). That Section of the State Plan reads: "The categories of households to which commodities *will* be distributed are: (1) Public Assistance Households—Those households in which (a) all members are receiving benefits under the federally-aided public assistance programs for the needy authorized in the Social Security Act. . . ." All of the restrictive eligibility standards imposed by San Bernardino County requiring "unmet need" thus are in direct contravention of the State plan and the federal regulations because those persons excluded are nevertheless "households in which all members are receiving benefits under the federally-aided public assistance programs for the needy authorized in the Social Security Act." There is absolutely no authority in the federal regulations or the State Plan which permits a county to establish its own eligibility standards more restrictive, or for that matter, more liberal than the State Plan or the federal regulations.

There still remains the question implicit in § I.C. of the State Plan which states that all public assistance households who "met the criteria of need as set forth in [the] State Plan." That question is: What is the standard of need set forth in the State Plan? The standard of need in the State Plan is to be found at p. 6, at § VII.A.

Public assistance households

The Public Assistance Households described in paragraph VI–A above are eligible to receive donated foods upon application, without further investigation except that necessary to determine the number in the household and that each member is a public assistance recipient. Section VI–A reads as follows:

> *Public assistance households.*—Those households in which all *members* are included in the public assistance budget under one or more of the following public assistance programs:
>
> (1) Old Age Security;
> (2) Aid to Families With Dependent Children;
> (3) Aid to Blind;
> (4) Aid to the Disabled; and
> (5) General Assistance—As administered by the local public welfare agency.

Thus, the "standard of need as set forth in [the] State Plan" is, simply speaking, defined by a person's status as a public assistance recipient. Once a person is designated by such status, as the entire class in this action is designated, he is eligible for benefits under the Commodity Distribution Program. It is clear from the foregoing discussion that the "unmet need" regulation in the San Bernardino County Plan is unauthorized and violative of the State Plan and the federal regulations.

Defendants argue that they *do* have authority to implement the “unmet need” regulation. They find this authority in § II.A. of the State Plan. That Section states: “Households which have been certified as needy *by a local public welfare agency* may receive commodities if they have adequate cooking facilities.” From this Section, Defendants argue that they have full authority to determine who will be and who will not be determined to be needy. But this Section does not allow a county welfare department to establish the *standards* of need. It merely imposes upon them the obligation to certify a household as needy in conformity with “the criteria of need as set forth in [the] State Plan.” State Plan, Section I.C. Defendants confuse certification of need *under state standards* with the authority to *establish* such standards of need. They have the responsibility to do the former but no authority to do the latter. This is the gravamen of Plaintiffs' Complaint and the key question to be determined by this Court. As argued by Plaintiffs above, a county welfare agency has absolutely no authority to establish standards of need.

Both the state and federal defendants have the responsibility, and full authority, to insure that the law is enforced. Both have failed to and refuse to require the County of San Bernardino to comply with state and federal regulations. It is nearly five months since the new State Plan was adopted and approved by the state and federal Defendants. During that entire period, the County of San Bernardino has been in clear and persistent violation of the State Plan and the federal regulations, which have long required distribution to *all* public assistance households. The State Plan was amended and revised to insure that such comprehensive eligibility was clear. On November 26, 1969, the Attorney General of the State of California wrote to Defendant Rafferty in regard to the Commodity Distribution Program. He said:

> “All California counties presently participate in one of two federal food programs—either the Food Stamp Program or the Commodity Distribution Program. Among the counties participating in the Commodity Distribution program, however, eligibility standards vary widely. The result of these variances, of course, is serious disparity between counties of benefits being provided otherwise equally eligible recipients. These disparities are illegal and, we have little doubt, unconstitutional.
>
> “We think that these federal rules clearly disallow the inter-county variances presently extant in California. Equally evident, we think, is the fact that the State Surplus Property Agency of the Department of Education has the authority, indeed, the duty, to cure this defect. There is to be *one* statewide plan. The Surplus Property Agency must exact *agreements* from each participating county welfare agency to conform its county plan to the state plan. In addition, it is the duty of the state agency *to require* the various counties *actually to distribute* food in conformity with uniform state requirements. Moreover the state plan must have, as its core, eligibility criteria which are “the standards used in the state's own welfare program” or others which 'must bear a direct relation to such [welfare] standards' ” 7 C.F.R. § 250.6(e)(5).: (Emphasis in original.)

This letter was attached to the Affidavit of Defendant Rafferty submitted to the Eastern District in this action on February 12, 1970. [It is attached hereto as “Exhibit G.”] Given the recalcitrance of the various government agencies, Plaintiffs have absolutely no other recourse than to seek this Court's order. The state Defendants do not disagree with Plaintiffs' legal position. In a brief submitted by Defendant Rafferty on February 12, 1970, the state Defendants repeated Plaintiffs' legal position but “respectfully requested that the Court refrain from the useless act of issuing a preliminary injunction against the State Defendants. A Court Order against them can achieve no more than they are seeking to accomplish on their own.” Opposition of Defendants Rafferty and Farrell to Motion for Preliminary Injunction, dated February 10, 1970, at page 4. In the Affidavit of Richard W. Evans, submitted by the State Defendants on February 24, 1970, it is stated that agreement was reached with Sutter and Kings Counties “to provide food assistance to all needy people who qualify as recipients in public assistance and non-public assistance households as defined in the newly amended California State Plan and by federal law.” Affidavit of Richard W. Evans, dated March 23, 1970 at p. 211.5–8, attached thereto as “Exhibit E.” Plaintiffs would submit that absent the Order of this Court, they will continue to be denied the food benefits to which they are entitled. This is not a matter of gratuity; they are entitled to these benefits by law. The United States Supreme Court has, this term, said that "[s]uch benefits are matter of statutory entitlement for persons qualified to receive them." *Goldberg v. Kelly*, ——— U.S. ——— 90 Sup. Ct. 1011, 1017 (1970). This Court's Order should issue forthwith.

II

> **Abstention is improper here. Where a case involves a non-constitutional Federal issue, the necessity for deciding which depends upon the decision on an underlying issue of State law, the practice in Federal courts is Procedure Rule 56(c) have been satisfied and the judgment should be rendered forthwith.**

Federal Rules of Civil Procedure Rule 56(c) provides that "the judgment sought shall be rendered forthwith, if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law."

With respect to Defendants George Jefferey and County of San Bernardino, the only material issues are issues of law. The question is, essentially, whether the "unmet need" regulation operative in the County of San Bernardino conforms to the federal regulations and the derivative State Plan. This is the only genuine issue. There is no genuine issue as to any material fact.

It should be noted that Plaintiffs are not required to wait for a responsive pleading before summary judgment can be entered. Barron and Holtzoff, FED. PRAC. & PROC. § 1233, pp. 116–17 and Supplement (1970) thereto, n. 35.1 and cases cited therein.

CONCLUSION

By the time that this Motion is heard, Plaintiffs' case will have been pending for nearly six months. In the early stages of this litigation, the state and federal Defendants urged the Eastern District Court that the Court's Order could do no more than they were doing through administrative action. Nevertheless, the only Commodities that Plaintiffs see are those which their neighbors have. At the hearing on this Motion, the state Defendants will argue that if the Court decides in favor of Plaintiffs, that the Order should be stayed for at least 90 days. They will argue that they do not have sufficient food in the state warehouse to satisfy the increased demand if San Bernardino County is compelled to comply with the law. The Court should weigh this in considering the good faith of the statements of the state Defendants.

Congress has said: "[i]t is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, and local governmental units to the maximum extent practicable to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households." 7 U.S.C. § 2011 (supp. 1970). Unless this Court acts, that policy will continue to be frustrated in the County of San Bernardino.

Wherefore, Plaintiffs respectfully request that this Court grant their Motion for Summary Judgment.

Dated: July 3, 1970.

Respectfully submitted,

RALPH S. ABASCAL,
Attorney for Plaintiffs.

UNITED STATES DISTRICT COURT—EASTERN DISTRICT OF CALIFORNIA

ABASCAL, KERRY & HABERFIELD; PETER H. REID; RICHARD M. ROGERS;
ATTORNEYS FOR PLAINTIFFS

ANTONIO CORONADO, et al., PLAINTIFFS,

v.

MARY QUITORIANO, et al., DEFENDANT.

POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS APPLICATION FOR PRELIMINARY RELIEF

I

To put this matter in its proper perspective, it is necessary to consider a closely related action in the Northern District field some thirteen months ago. On December 30, 1968, Judge Weigel issued his class *Temporary* Restraining Order in *Hernandez v. Freeman*, U.S.D.C., No. District, Cal., Civ. No. 50333, a copy of which is attached as Exhibit A. The action sought to restrain these same Federal and State Defendants [Secretary Freeman was Secretary Hardin's predecessor] from refusing to implement *either* a food stamp or commodity program in California. At that time, 21 California counties had neither program. The Court acted on the basis that the Secretary had both the authority and available funds to introduce and operate a program, even without the consent of local officials. On February 4, 1969, a three-judge court sitting in the matter, ordered that the TRO remain in effect pending a full hearing.

On June 2, 1969, Max Rafferty, a defendant in the action, filed a cross complaint against the USDA, agreeing with plaintiffs' proposition that denial of federal food assistance based upon the fortuitous basis of one's county of residence was contrary to Congressional intent and a denial of equal protection.

Shortly thereafter, the last county to hold out, Butte County, requested a commodity program. The action was then dismissed by the plaintiffs.

II

Jay v. United States Dept. of Ag., No. Dist. of Texas, Dallas Div., Civ. No. 3–2885–C, raises essentially the same issues. There, 109 Texas counties had neither program.

On December 30, 1969, the Court *preliminarily* ordered the USDA to put a Commodities Program into every county within 60 days. [Opinion attached as Exhibit B]. The Court found that: "Contrary to the intent of Congress . . . . The Department has determined that it will provide Federal Food assistance only in counties where local governmental officials approve of, and request, one of the . . . programs." (at 11626–27) The Court also found that the USDA has returned over $619,000,000.00 in unutilized funds during fiscal 1966–68. (at 11628)

In its conclusions of law, the Court stated that:

(1) "The purpose of the . . . Commodity Distribution Program is to aid needy families and households by providing them with vital Federal food assistance . . . with its fundamental purpose being the eradication of hunger in America. Congress formulated the two food assistance . . . with its fundamental purpose being the eradication of hunger in America. Congress formulated the two food assistance programs to remedy undernutrition in this country." (at 11,628)

(2) "The denial of Federal food assistance benefits on the basis of county of residence is contrary to the Congressional purpose and intent in the formulation of the Food Stamp and Commodity Distribution Programs. *Hernandez v. Hardin*, . . . (N.D. California December 30, 1968)." (at 11,628).

(3) "Congress has clearly declared its intent that the Federal Food Programs be implemented and made available 'to the maximum extent practicable.' 7 U.S.C. § 2011." (at 11,628).

(4) U.S.D.A.'s "failure to provide Federal food assistance 'to the maximum extent practicable'—while returning to the Treasury significantly over one billion dollars of funds [in the last ten years] Congressionally appropriated for the improvement and expansion of the Federal food programs—is a clear frustration of Congressional intent" (at 11,628).

(5) "The denial of Federal food assistance, on the basis of county of residence, is a violation of President Kennedy's first executive order." (at 11,628) [See Complaint, Para. 4].

(6) "There is no legal impediment to the immediate utilization of the hundreds of millions of dollars currently available under Section 32 [7 U.S.C. § 612e]; these funds can be used presently so that no households are denied Federal food aid on the basis of county of residence." (at 11,629).

III

Such drastic relief as that ordered in *Hernandez* and *Jay* is not necessary here, No California county is without a Federal food assistance program. The complaint here is that the program is ill-administered. But, as far as *these* plaintiffs are concerned, the situation is just like that in *Jay* and *Hernandez*. But here, the Court only need look to the existing Federal regulations.

IV

Our legal argument can be simply stated:

(1) 7 C.F.R. § 250.6(e) allows the State to choose whether it will distribute commodities to either (1) public assistance or (2) non-public assistance households, *or both*. California has chosen both. *Only* the State has the choice.

(2) Once the State has chosen, and has incorporated its choice in its plan, as California has, the State "shall require welfare agencies making distribution to households to conduct distribution programs in accordance with all provisions of the plan . . ." 7 C.F.R. § 250.6(e).

(3) "Each State Agency shall establish specific standards to be used in determining the eligibility of applicant households. Such standards shall include maximum income limitations consistent with the income standards used by the State Agency in Administration of its Federally aided public assistance programs." 34 F.R. 547 (January 15, 1969).

There is clearly no authority for the restrictive eligibility standards imposed by the defendant counties. The Federal and State Defendants, presumably cognizant of their duty to obey the law, are probably to be faulted more than the local defendants. All that the latter have done is to conserve tax monies by enlisting the silent cooperation of the poor.

V

This court has the power and duty to grant affirmative relief preliminary to prevent immediate irreparable injury

"It is basic that the most fundamental irreparable injury to life, health or safety of human beings. "[E]quity will not gamble with human life, at *whatever odds*, and for loss of life there is no remedy that is in an equitable sense adequate." *Harris Stanley Coal and Land Co. v. Chesapeake and Ohio Ry. Co.*, 154 F. 2d 450, 453 (6th Cir. 1946) *cert. denied*, 329 U.S. 761 (1946) (emphasis added). Such irreparable injury is *precisely* what plaintiffs complain of in this case. In the Ninth Circuit the general rule is followed that interlocutory relief will issue to prevent irreparable injury, *whether or not* it results in a change in the status quo. *Ross Whitney Corp. v. Smith, Kline & French Lab.*, 207 F. 2d 190, 199 (9th Cir. 1953).

"The maintenance of the *status quo* is only one of the reasons for which a preliminary injunction may be granted. It may also be granted to prevent irreparable injury." *Ibid.* The injury consisted of defendant's trademark infringement and unfair competition which plaintiff claimed would destroy its business. In Woods v. Wright, 334 F. 2d 369 (5th Cir., 1964) the Court of Appeals reversed a District Court that refused to issue a temporary restraining order and stated that the court had *a duty* to issue an order where irreparable harm was threatened.

"Where there is a clear and imminent threat of an irreparable injury amounting to manifest oppression it is *the duty* of the court to protect against the loss of the asserted right by a temporary restraining order," at 375 (emphasis added).

The preliminary injunction requested herein is merely to temporarily enjoin the operation of Commodity Distribution Program in California so long as intended beneficiaries are excluded solely on the basis of county of residence. Even this relief, however, will be unnecessary should the Federal and State Defendants provide an operative plan that fully insures that intended beneficiaries will not be excluded on the basis of county of residence, contrary to federal statutes and regulations.

The United States Supreme Court upheld far more drastic preliminary relief by a district court in *Reynolds v. Sims*, 377 U.S. 533 (1964). The Federal District Court ordered "its own temporary reapportionment plan into effect" and retained jurisdiction in order to give the very legislature it had newly reapportioned an opportunity to subsequently reapportion itself. The Supreme Court held that this bold and broad exercise of equitable powers by the District Court was "an appropriate and well-considered exercise of judicial power" (at 586–587).

The power of a federal court to order affirmative relief in cases where it is necessary to vindicate important rights extends to areas ordinarily within the province of the legislature such as taxation. *In Griffin v. County School Bd. of Prince Edward County*, 377 U.S. 218 (1964), the Supreme Court said "the District Court may . . . require the Supervisors to exercise the power that is theirs to levy taxes to raise funds adequate to reopen, operate, and maintain without racial discrimination a public school system in Prince Edward County like that operated in other counties." 377 U.S. at 233.

Recent cases make it clear that in cases like the present one, federal courts have broad powers to order government officials to take whatever action is necessary to assure just and equal administration of the law. "In this vital area of vindication of precious constitutional rights, we are unfettered by the negative or affirmative character of the words used or the negative or affirmative form in which the coercive order is cast. If affirmative relief is essential, the Court has the power and should employ it." *Bell v. Southwell*, 376 F.2d 659 (5th Cir. 1967) (holding that after a void election a District Court could affirmatively order a new election despite a statute providing only for appointment in such cases.)

The language of the order is not controlling. It does not matter that the language be prohibitory or mandatory. In *Burns v. Montgomery*, U.S. Dist. Ct., No. Dist. Cal., Civ. No. 49018, a three-judge district court:

> decreed that the defendants are preliminarily enjoined . . . from enforcing the provisions of [certain sections] of the California Welfare and Institutions Code, to the extent such statutes impose a residency requirement of at least one year as a condition of eligibility for public assistance upon plaintiffs and the class which plaintiffs represent, and from *withholding* public assistance from plaintiffs and members of the class which plaintiffs represent because of the residency provisions of said statutes. (Emphasis added.) [Copy attached as Exhibit C].

It is difficult to conceive of a more affirmative and far-reaching order than that in *Burns*. More significant is the fact that the substantive issues raised in *Burns* were far less certain to be decided in favor of the plaintiffs. Plaintiffs here would be so bold as to state that they are *certain* that defendants cannot prevail on the merits, given the clarity of the controlling federal regulations.

Finally, it must be emphasized that in both of the extant Commodities cases, *Jay* and *Hernandez*, interlocutory affirmative relief was ordered.

Respectfully submitted,

ABASCAL, KERRY, HABERFELD, ROGERS AND REID,
By RALPH S. ABASCAL, *Attorney for Plaintiffs.*

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Civil Action No. C–70 2160 AJZ

JOSE CRUZ LOPEZ and LUIS TRINIDAD, individually and on behalf of all others similarly situated, PLAINTIFFS,

v.

RAYMOND ANSELL, Director, Santa Cruz County Social Welfare Department; MAX RAFFERTY, Superintendent of Public Instruction, State of California, DEFENDANTS.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER THEREON

Before: ALFONSO J. ZIRPOLI, United States District Judge.

This matter came on for hearing before the Court on October 21, 1970, at 10:00 a.m., pursuant to the Court's Order to Show Cause, heretofore issued on October 6, 1970. The parties each being represented by their counsel, the Court having considered the verified complaint, affidavits, memoranda and exhibits submitted, and the arguments of all counsel, and being fully advised in the premises, makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Defendant Raymond Ansell is the Director of the Santa Cruz County Department of Social Welfare and, as such, is responsible for the administration and

operation of the Commodity Distribution Program in the County of Santa Cruz, State of California.

2. The Santa Cruz County Department of Social Welfare has entered into an agreement with the California State Educational Agency for Surplus Property, an agency within the State Department of Education and administered by defendant Max Rafferty. Defendant Rafferty submitted a plan of operation for the Commodity Distribution Program to the United States Department of Agriculture on February 5, 1970. The plan was approved by USDA on February 6, 1970.

3. Plaintiffs Jose Cruz Lopez and Luis Trinidad, who are both unemployed heads of non-public assistance households and residents of Santa Cruz County, have applied to defendant Ansell for food entitlements under the federal Commodity Distribution Program, 7 U.S.C., §§ 612c and 1431, administered in the County of Santa Cruz by said defendant.

4. Plaintiffs Jose Cruz Lopez and Luis Trinidad were refused their food entitlements by defendant Ansell pursuant to their failure to comply with Section B.2. of the Santa Cruz County Plan of Operation for the Commodity Distribution Program, which section requires unemployed heads of non-public assistance households to register with the State Department of Human Resources and be willing to accept employment.

5. Plaintiff Lopez' family includes his wife and his two year old child.

6. Plaintiff Trinidad's family includes his wife and his four minor children.

7. Plaintiffs Lopez and Trinidad have no income and are unable to provide their families with food.

8. Plaintiffs Lopez and Trinidad have brought this action as a class action on behalf of themselves and all other similarly situated poor persons in Santa Cruz County who have been or will be denied food entitlements under the federal Commodity Distribution Program because of defendant Ansell's enforcement of Section B.2. of the Santa Cruz County Plan as aforementioned.

9. This is a valid class action pursuant to Federal Rules of Civil Procedure, Rule 23.

10. Defendant Ansell's actions as aforementioned are causing great and irreparable injury to plaintiffs and all other persons similarly situated, and will continue to cause such injury unless enjoined as hereinafter set forth because plaintiffs and their class will not have sufficient or adequate food and nutritional diets.

11. The food distributed under the Program is donated to defendant Ansell; his agency pays only *de minimis* administrative costs, 7 C.F.R., §250.6(i).

12. Other California counties administering the federal Food Stamp Program [42 U.S.C., §§ 2011 *et seq.*] and the Commodity Distribution Program do not impose additional and restrictive eligibility requirements such as that imposed by defendant Ansell as aforementioned.

13. The United States Department of Agriculture required defendant Rafferty to submit a revised Commodity Distribution Plan, as aforementioned in paragraph 2, in order to insure that the participating counties administered the program in accordance with all provisions of the State Plan.

CONCLUSIONS OF LAW

1. Plaintiffs have established a prima facie case that:

a. A purpose of the Commodity Distribution Program is to encourage the domestic consumption of agricultural commodities among low-income persons, to the maximum extent practicable to a level of nutrition adequate for the maintenance of health.

b. State and local agencies administering the Commodity Distribution Program are required to conform to federal regulations as set forth in 7 C.F.R. Part 250–51.

c. Federal regulations require that the state agency, represented by Defendant Rafferty herein, submit a state plan of operation of the Program to U.S.D.A.

d. Federal regulations, 7 C.F.R. § 250.6(e)(5), require that the state agency is the only governmental agency within a state that can establish eligibility standards for the Commodity Distribution Program.

e. Federal regulations require that county welfare agencies administer the Program in accordance with all provisions of the state plan.

f. The California State Plan does not grant authority to Defendant Ansell to impose eligibility standards contrary to or in addition to the State Plan, including, but not limited to such standards as Section B.2. of the Santa Cruz County Plan.

g. Section I–C of the State Plan clearly requires that a county operating a Commodity Distribution Program for needy household must insure that donated commodities are uniformly available to all households, both public assistance and non-public assistance, that request them and meet the criteria of need as set forth in the State Plan. No county may operate a food distribution program to needy households unless the provisions of the State Plan are complied with.

h. No amendments to the State Plan can be made without prior approval of U.S.D.A. 7 C.F.R. § 250.6(e).

i. Section B. 2. of the Santa Cruz County Plan is contrary to and inconsistent with the State Plan and therefore is invalid.

j. There is a substantial question that Section B. 2. of the Santa Cruz County Plan is violative of the equal protection clause of the United States Constitution in that plaintiffs are thereby denied food entitlements on the sole arbitrary basis of their county of residence and that public assistance household participants are not required to conform to Section B. 2. of the Santa Cruz County Plan.

2. There is a sufficient and substantial likelihood that plaintiffs will prevail on the merits in this action.

Upon the foregoing, it is, by the United States District Court for the Northern District of California, this 21th day of October, 1970.

Ordered, adjudged, and decreed that:

1. Defendant Ansell, his agents, servants and employees, and all those in active concert therewith, be, and they are hereby preliminarily enjoined, pending the further order of this Court, from failing or refusing to grant food entitlements of the Commodity Distribution Program to plaintiffs, and all others similarly situated, on the basis that said applicants have failed to register with the State Department of Human Resources and be willing to accept employment.

2. Defendent Ansell, his agents, servants and employees, and all those in active concert therewith, be, and they are hereby preliminarily enjoined, pending the further order of this Court, from failing or refusing to notify all applicants for food entitlements under the Commodity Distribution Program, whose applications were submitted subsequent to February 6, 1970, and who were denied such entitlements pursuant to Section B. 2. of the Santa Cruz County Plan or any similar provision, of the erroneous and invalid denial thereof and the present opportunity to have their prior applications processed without consideration of said section.

3. Defendant Ansell, his agents, servants and employees, and all those in active concert therewith, be, and they are hereby, preliminarily enjoined, pending the further order of this Court, from failing or refusing to notify all present recipients of food entitlements under the Commodity Distribution Program that their continued eligibility is not conditioned upon their continued compliance with Section B. 2. of the Santa Cruz County Plan.

Dated:

________________,
United States District Judge.

In the United States District Court for the Central District of California
No. 70–774–R

ANTONIO CORONADO, et al., PLAINTIFFS,

vs.

MARY QUITORIANO, et al., DEFENDANTS.

PHENIE FAIR, et al., PLAINTIFFS,

vs.

GEORGE JEFFREY, et al., DEFENDANTS.

DISMISSAL WITHOUT PREJUDICE PURSUANT TO RULE 23(E) F.R.C.P.

On February 4, 1970, the above-named plaintiffs, representing the class of welfare recipients and other poor persons in California living in counties which participate in the federal Commodity Distribution Program, filed their claim in the United States District Court for the Eastern District of California. They complained that the program as operated in those counties was in violation of state and federal law; they sought injunctive and declaratory relief against officers of the United States Department of Agriculture, the Department of Education, State of California, and three county welfare officials, which defendants are charged with the administration of said federal food program.

The action was filed on the grounds that the several counties had, and applied, severely restrictive eligibility standards for benefits under the Program. Plaintiffs claimed that: (1) said denial of federal food program benefits solely upon the basis of county residence violated their constitutional rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution; (2) said denial by the federal defendants violated their rights under the Due Process Clause of the Fifth Amendment of the Constitution; (3) said denial violated their rights under 7 U.S.C. Sections 612c(2), 1431 and 2011; (4) and, said denial violated their rights under 7 C.F.R. Sections 250-251 and the California State Plan of Operation of U.S.D.A. Commodities to Needy Households. Essentially, plaintiffs sought a declaration that all recipients of federally-aided public assistance programs are entitled to the benefits of the Commodity Distribution program and that the Court enjoin the several defendants to fulfill their responsibilities.

On February 5, 1970, the state defendants submitted a new State Plan to the federal defendants. On February 6, 1970, federal defendant CHARLES E. ERNST approved the new State Plan. The State Plan specifically stated that:

"A county operating a Commodity Distribution Program for Needy Households must insure that donated commodities are uniformly available to all households, both public assistance and non-public assistance, that request them and meet the criteria of need as set forth in this State Plan. No county may operate a food distribution program for needy households unless the provisions of this State Plan are complied with."

On February 24, 1970, plaintiffs and the state defendants entered into a stipulation which stated that there were twelve (12) non-conforming California counties: Butte, Kern, Kings, Mendocino, Merced, Plumas, Santa Barbara, San Bernardino, Sutter, Tehama, Tulare and Ventura. On that date plaintiffs requested the Court to continue their Motion for Preliminary Injunction to March 23, 1970, on the basis of an affidavit submitted by the state defendants which stated that, since the filing of the complaint, six of the above-named twelve counties were complying with the new State Plan, or had agreed to comply in the immediate future, and that appointments had been scheduled with the remaining six counties whereby representatives of the federal and state defendants would meet with the local county officials to effectuate rapid compliance.

On March 23, 1970, federal and state defendants reported to the Court that all but three, San Bernardino, Santa Barbara and Merced Counties, had complied with the new State Plan. Merced and Santa Barbar Counties had agreed that they would comply in the immediate future, or convert to the Food Stamp Program. Defendants SAN BERNARDINO COUNTY and ROSCOE LYDA, who had been added to the action pursuant to an amended complaint, and plaintiffs stipulated to change of venue to the United States District Court for the Central District of California.

Pursuant to the SAN BERNARDINO COUNTY defendant's Motion to Dismiss, this Court on June 1, 1970, ordered plaintiffs to amend their Complaint so as to specifically allege the illegality of the Program as administered by the SAN BERNARDINO COUNTY defendants.

Pursuant to plaintiffs' request, the Court ordered the dismissal of the MERCED COUNTY defendant on June 12, 1970.

Plaintiffs 'Amended Complaint was filed on June 19, 1970.

On July 3, 1970, plaintiffs moved the Court for summary judgment. After several continuances, requested by both plaintiffs and defendants, the San Bernandino County defendants stipulated in open court that negotiations had been completed to their satisfaction and that expansion of the Program in said County would be effectuated immediately so that all public assistance receipients would be eligible to obtain Program benefits.

Therefore, as of October 28, 1970, each of the aforementioned counties had voluntarily redefined their eligibility requirements to include all public assistance recipients.

The attorneys for all of the parties, solely and exclusively as a result of the matter at issue being presently moot due to voluntary expansion of the Program in each and every one of the aforementioned twelve counties in California in which the plaintiff class resides, hereby agree to dismiss the complaint without prejudice, plaintiffs' Motion for Summary Judgment, all pleadings seeking injunctive and declaratory relief, and all other matters pending in this case before this Court. Said dismissal without prejudice is further conditioned on approval by this Court.

The parties requesting said approval of this Court respectfully call to this Court's attention that in light of the present mootness of said case and in light of all members of the class being presently eligible for benefits under the Commodity Food Program sought in this case, that full and adequate notice pursuant to Rule 23(e) F.R.C.P. has been provided and that no prejudice will result to any member of the class.

Approved as to Form:

Ralph S. Abascal,
Attorney for Plaintiffs.
I. Fracier,
Attorney for State Defendants.
Richard D. Nichols,
Attorney for Federal Defendants.
Richard Strong,
Attorney for San Bernardino County Defendants.

ORDER

It appearing that the above-entitled action is moot, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the same be, and is, dismissed without prejudice, and no notice pursuant to Rule 23(e) of the Federal Rules of Civil Procedure to the class is required.

Dated: October 22, 1971.

Manual L. Real,
U.S. District Judge.

Item 2—Material Submitted by Other Than Witnesses

FROM NOLAND K. DEAVER

DANIEL BOONE COMMUNITY ACTION AGENCY INC.,
Bowling Green, Mo., Sept. 14, 1971.

HONORABLE CONGRESSMEN: As a supervisor of caseworkers in several rural Missouri Counties in the poverty fighting program I can relate from first hand knowledge of hunger in rural Missouri, we have had one child die from starvation and another mother lost her baby at birth due to malnutrition and three more children we reached in time to save their lives, these are our most acute cases but many children are hungry as well as adults and undernourished.

Missouri is a State that receives Commodity Foods, funding being on a basis of approximately 69 Counties getting free distribution and 39 Counties having through County Court action pay 50% of distribution costs, the rest of Missouri is on food stamps.

The County Judges in ten or more of the 50% Counties protested the inequity of the cost and pulled out of the program trying to force the distribution of free food in their Counties thus leaving thousands of poor people hungry while they were playing political football with the program, in the nine County area of Daniel Boone Community Action Agency we were able to keep the program going until the State took over full costs in these Counties until the end of June 1971, July 1st the program went back to their former status of 69 Counties being fully funded, 39 Counties pay 50% of cost rest of Counties on food stamps, this resulted in many Counties going out of the food program thus resulting in much hunger, after much pressure the Governor of the State of Missouri issued an order that all Counties would be equally treated the result being that on November 1, all Counties will pay 20% of the distribution costs with the State and Gov. paying the balance.

The result of this decision while equitable will result in MORE PEOPLE BEING HUNGRY than before as many Counties are unwilling to pay the 20% local cost.

Legislation must be enacted to fully fund all Counties in the State of Missouri for commodity food distribution to insure that we will not have hungry people or malnutrition among our children in low income families, this legislation must TAKE AWAY THE ADMINISTRATION FROM THE LOCAL COUNTY COURTS, as too much waste too much favoritism and politics enter the picture, this program must be run by a qualified career person to insure economy and success in the program.

You as Congressmen have the responsibility to these citizens to provide the necessary funding for this program to keep the low income people from going hungry.

We Staff and personnel of Daniel Boone CAA stand ready to assist to help you make this program work for our low income people in this State.

Sincerely submitted,

NOLAND K. DEAVER,
Area Coordinator.

FROM KEVIN H. WHITE, MAYOR OF BOSTON

CITY OF BOSTON,
OFFICE OF THE MAYOR,
Boston, Mass., September 17, 1971.

Senator CHARLES PERCY,
Select Commission on Nutrition and Human Needs,
Washington, D.C.

DEAR SENATOR PERCY: Although the City of Boston does not, as a municipality, play an official role in the administration of the surplus food program, I have a deep interest in the quality of food assistance offered Boston's low-income residents.

I have been informed that the Select Commission on Nutrition and Human Needs, under your direction, has been holding hearings on the surplus food program. Although it has been impossible for me to plan a trip to Washington to present suggestions to the Commission, I have prepared the enclosed testimony recommending specific improvements in the surplus food program.

Please do not hesitate to contact my office if further details are needed. I would much appreciate receiving a record of the Commission's proceedings regarding the surplus food program.

Sincerely,

KEVIN H. WHITE, *Mayor.*

Enclosures.

Testimony of Mayor Kevin H. White prepared for the Select Commission on Nutrition and Human Needs of the United States Senate.

Food Assistance Programs in Boston

Since the Depression, Boston has been offering food to low income people. Until 1968, the function was performed by the City's Welfare Department which maintained distribution centers and gave out food supplied by the U.S. Department of Agriculture. With the takeover of Welfare by the Commonwealth of Massachusetts in 1968, the City no longer had the job of distributing surplus commodities.

When the state took over the surplus food program as part of its welfare takeover, less than 30,000 people were being supplied with surplus food assistance in the City of Boston. In the last three years, an additional 21,000 recipients have been added to the surplus food program. A substantial portion of the new recipients have been added through an OEO-funded delivery program administered by Boston's community action agency, A.B.C.D. which provides surplus foods to some 8,000 people.

The success of the state agency at increasing participation in the program must be viewed in a context of how the program works.

Less than half of the 110,000 welfare recipients in Boston (including all categories of public assistance) now receive surplus food. There is no way of knowing the exact number of working poor whose incomes fall within eligible limits who should be, but are not, benefiting from the surplus program.

Surplus food is distributed in Boston at six centers operated by the state Department of Public Welfare and at a dozen smaller centers operated by ABCD under an OEO Emergency Food and Medical Service grant which expires December 31, 1971. The state did operate another distribution center, on Dudley Street in Boston's Roxbury section, but that center was closed down as having too many health code violations. The Dudley Street center was never replaced despite Welfare Department promises to the contrary.

The remaining six distribution centers are located in scattered sections of the city. Even so, very substantial numbers of recipients find the centers inaccessible. There is no way to measure the effect of center locations in keeping down the rate of participation. While most of the stores are relatively clean, none is attractive. Some are so small that recipients are forced to wait outdoors in line, even during Boston's harsh winter months.

Transportation is a particular problem for surplus food recipients. In all but exceptional cases, recipients do not own or have access to a car. While many recipients suffer no hardship taking public transportation to surplus food centers, even the most able-bodied are likely to dread the trip home with a monthly food allotment that generally weighs about thirty pounds per recipient.

This can be especially burdensome for persons from large families. Several means have been used by recipients to bring their allotments home. Some groups have formed transportation co-ops, renting buses or borrowing cars to pick up several households' foods. Enterprising individuals in some areas provide low-cost rides to individuals. The City of Boston, through its South End Little City Hall has been delivering surplus foods to the apartments of disabled and elderly people for the last two years. Just recently this program has been augmented by the donation of two vans by the Ford Motor Company and the hiring of Senior Aides through the City's Commission on the Affairs of the Elderly. In addition, various community groups provide some transportation and delivery aid to needy households.

Even with all these positive approaches, the vast majority of recipients are left to their own devices. In many cases that can mean recipients take taxis to the surplus food centers because they can find no other safe way to pick up their food allotment. Until there are more centers, and until the transportation system is improved, this will continue to be a serious problem. It is ridiculous for anyone to expect an elderly lady living in Brighton to face the prospect of having to travel several miles, crossing through the Town of Brookline on her way, to the nearest surplus food center in Roxbury with any kind of pleasure.

Not every recipient wants every one of the commodities that is offered under the program. In East Boston last year one lady amassed 96 bottles of Corn Syrup despite her continued requests to distribution personnel to leave corn syrup out of her allotment.

Although the Department of Agriculture offers 24 different commodities under the surplus food program, Boston recipients have not been offered more than 16 commodities. At one time, Bostonians were offered flour. An arbitrary administrative decision that most people did not bake any more led to the deletion of flour from the allotment in Boston. Even more serious however, has been the lack of planning that has characterized food ordering for Boston recipients. In February, 1971, the program reached its lowest point in Boston. Even though the state had succeeded at substantially increasing participation, it had substantially reduced the benefits offered by the program. Last February, Boston recipients were offered as few as four commodities for their monthly allotment.

The poor performance most clearly exemplified by last winter's situation is the result of an administrative mess. Too many agencies are involved in the program, and too little is offered to these agencies in terms of program resources. Food reaching Boston recipients must travel from federal warehouses into the control of the state's Department of Education which administers surplus foods under the school lunch program. That agency maintains accounts, warehouse space, and utilizes federally-supplied Administrative Expense subsidies.

From the state Department of Education, control of the surplus program is delegated to the Department of Public Welfare. That department's administration of food assistance programs (both surplus and food stamps) is grossly underfunded. Characteristically the personnel involved with Welfare's administration of food programs must spend a great deal of their time scrambling for funds and other resources. Often there have not been sufficient funds available to supply office supplies and food storage and handling equipment to distribution centers. The state's legislative and administrative branches have given their welfare-oriented attention to other aspects of the welfare problem and have thus failed to give serious attention or provide adequate resources to food assistance programs. This is most clearly evidenced by citing the operation of the food stamp program in Massachusetts. Stamps were made available in 37 communities at one time. At present only 18 communities have the program.

Surplus food passes through still more hands before reaching its consumers. Municipal and private agencies, including a large number of OEO-funded community action agencies provide surplus food services to eligible recipients. These services include certification, nutrition education, and delivery, as well as distribution from centers.

As a result of this duplication and triplication of administrative responsibility, resources are wasted and the program fails to provide the full benefits it should. No one is suggesting surplus foods provide a full answer to the problems poor people have supplying their nutrition needs. What must be understood is that if the surplus food program is to work, we must get the biggest possible bang for the taxpayer's buck. Resources diverted from service to administration are resources less well used.

Although the City of Boston has no legal responsibility in the field of surplus foods, this administration recognizes that hunger will not wait for legislative or bureaucratic solutions. Thus we are delivering food to a growing number of homebound elderly and disabled people through the program described above.

There are several specific things that can be done from the Federal level to improve the food assistance programs in Boston and other places:

1. *Develop realistic certification and eligibility requirements and procedures.*—Certification by affidavit, eligibility levels that offer some flexibility for seasonal income changes, and a policy of placing the burden of proof on the certifying agency rather than on the client should make it possible to reach more needy people. Savings in administrative costs resulting from these changes should

offset the expenditures from providing program benefits to people of questionable eligibility.

2. *Improve the packaging of commodities.*—Packaging should be reduced to single or perhaps double portion size to reduce the likelihood of spoilage. No elderly person living alone can get through a two or three pound can of turkey in just a day or two.

3. *Require a set percentage of Federally-supplied administrative funds be spent for marketing the program to increase participation.*

4. *Reduce administrative duplication within given states.*—Require that all tax-dollar resources devoted to program activities be centrally-controlled.

5. *Require that all eligible recipients be offered the same selection of commodities on a state-wide basis* so that residents of one community are not worse off than those of the next town.

6. *Provide federal assistance to develop and maintain delivery programs for disabled, elderly recipients* as well as for large households where transportation is apt to be a hardship.

7. As long as the Food Stamp program continues in operation, increase the resources available and *open up the regulations to make possible the simultaneous operation of the Food Stamp and Surplus Food programs in every possible community.* Each program has unique benefits, and recipients ought to be able to choose which seems best for them.

8. *Provide, where necessary, cash assistance for the purchase of food storage and transportation equipment.*

Food assistance programs are an old-fashioned form of welfare, being categorical in nature. Yet as long as this nation continues to produce more food than its citizens buy, surplus foods will remain a resource that should be used to aid people whose purchases of food on the open market are limited by their low incomes. If the program is to continue, it must be improved so that its goals are accomplished, rather than merely approached.

Item 3—Articles of Interest

[From the Monroe County Appeal, Aug. 26, 1971]

ALL COUNTIES TO BE TREATED EQUALLY IN FREE FOOD PROGRAM

In a letter to all county judges and county clerks in Missouri, Monday, Proctor Carter, state director of welfare, set out new regulations for the free food program that will be equally fair to all counties.

Under the new regulations, Carter said, any county that participates in the program must pay 20% of the cost of local distribution. The state will pay 80% from state and federal funds, and the United States Department of Agriculture will provide the food at no cost.

Up until now, 60 counties of Missouri were paying half of the cost, while the rest of the counties of the state were having all costs paid.

Monroe County was one of those required to pay half while others got the food for nothing.

Chiefly because of the obvious unfairness of such a policy, Monroe County judges withdrew from the free food program and discontinued distribution.

Now that all counties are to be treated alike, it is up to the members of the County Court to decide on whether or not this county will again participate. It will be discussed when the judges again meet.

Under the former 50% costs basis, it was costing Monroe County an average of $500 monthly according to County Clerk Cloyce Menefee. This included costs of using highway workers and trucks for some of the distribution.

Under the new arrangement, the county's cost would be cut to around $200 monthly, Menefee estimated.

Carter said that during the first six months of 1971, when Monroe County was participating, a total of 774 persons received the free foods. He estimated the retail market value of these foods to be $55,176. Locally, no estimate of their value was available.

Carter asked in his letter that the County Court make a decision by September 15 and notify him if it wants to again participate.

Carter explained that up until now, the USDA would not permit any of its grant money to go for distribution in counties already on the 50–50 basis, but that it had changed its policy and will allow the state to distribute the grant money equitably to all counties.

Thus, while Monroe County would gain by paying only 20%, counties that have heretofore been fully funded, would have to pay 20% which they have not been doing.

[From the Cornell University News, Sept. 16, 1971]

OFFICE OF PUBLIC INFORMATION RELEASE

By Ralph Kazarian, Science Writer

WASHINGTON, D.C.—Dr. Michael C. Latham, professor of international nutrition at Cornell University, told a U.S. Senate committee today that he is "shocked" that the primary goal of some of the government's nutrition programs is to help the farmer rather than the malnourished child or the hungry poor.

Dr. Latham referred to a recent U.S. Department of Agriculture (USDA) paper that stated that the primary function of these programs is "to balance the agricultural economy" and that they serve "a different constituency from that concerned with health and nutrition."

He made his remarks before the Senate Select Committee on Nutrition and Human Needs which is investigating the Food Commodity Distribution Program.

Dr. Latham, who is a physician and nutritionist in Cornell's Graduate School of Nutrition, contended that food programs for the poor and for children should not be run by the Department of Agriculture, and should be administered by the Department of Health, Education, and Welfare (HEW). He stated that "there is a conflict of interest in having the same agency arranging subsidies for farmers, disposing of agricultural surpluses, and feeding our children and our poor."

Dr. Latham, in discussing the Family Food Commodity Program, said that there is a major gap between "promise" and "delivery." The promise, he said, suggested that participants would receive 82 per cent of their calorie needs and over 100 per cent of most essential nutrients from the program. His calculations, he said, showed that most of the nearly four million Americans in the program get fewer than 60 per cent of their calories and less than 75 per cent of most other essential minerals and vitamins from the food commodities.

Latham told the Senate committee that getting government food commodities may involve for the recipients "problems of transportation, of child care, of long waits, of shivering parents and half frozen little children, of indignities, of being pushed around, of fighting a bureaucracy, and at the end of the line of finding that the foods you are entitled to, or expected, are unavailable."

The Cornell professor mentioned the low percentage of those eligible who actually participate. He said that in Tompkins County his colleague, Lillian Emmons, a research associate at Cornell, had done a study with the League of Women Voters. They found that less than 20 percent of those eligible participated in the Commodity Program when it was in operation. This is typical of figures across the country, he said.

Latham suggested that federal and local governments were often pleased to see this low participation because it saved money. He said he wondered why the Department of Defense advertised on television for military recruits, yet the Department of Agriculture never recruits on television for the food programs. Another important reason for low participation, he said, is that "too many officials and politicians still regard the poor as lazy and feckless, and consider that it is creeping socialism to support programs that feed hungry children."

"It is strange," Latham said, "that these same officials and politicians believe it is desirable, even commendable, to subsidize wealthy farmers."

Latham said that he believes the Family Food Commodity Program should be phased out of existence because it is a bad program and one that demeans the poor. He said it should be replaced by a program that assures an adequate income for the poor, so that they can purchase their own food. However, he added, the 35-year-old commodity program still serves about four million Americans, 2 percent of our population, and is likely to be kept in operation by vested interests. For this reason, Latham made 13 specific recommendations for its improvement.

His recommendations included introduction of uniform federal eligibility and certification requirements; changes in the definition of "surplus" to allow foods to be used because they are nutritious, not surplus; authorization for the federal government to step in and run food programs in delinquent counties; an increase in the amounts and variety of commodities to more nearly meet nutritional needs; the use of the mass media to inform the public about their rights to benefit from food programs; the inclusion of convenience foods among the commodities (participants now get flour and are expected to bake their own bread); involvement of the poor and voluntary organizations in the running of these programs; changes to make the program easier for the recipients, even if this involved inconvenience to the bureaucracy; special provision to allow migrants and special groups to participate in the program; and finally that HEW take over from USDA in directing all the food programs, including school lunches.

Dr. Latham pointed out that undernutrition, like certain other health conditions related to poverty, was relatively neglected, receiving inadequate support both for investigation and control. He said that lead poisoning, which was associated with peeling ghetto walls, was more serious a problem than polio in its epidemic days, yet very little was done about it because it was a disease of the underprivileged. Similarly sickle cell disease, which is prevalent in blacks and almost unknown among Caucasians, has been greatly neglected in comparison with cystic fibrosis which is rarer but occurs in well-off families.

Dr. Latham called for more attention and more funds to combat these health conditions that are confined to minority groups or to the poor.

[From the Washington Post, Oct. 8, 1971]

ONLY THE ISSUE IS GONE: THE HUNGRY ARE STILL WITH US

By Colman McCarthy

On many of the crucial fronts in the war against hunger, hunger is winning. The poor who pass from meal to meal with empty stomachs are not dropping dead in the streets but they are dropping from sight. This might be worse. An illusion, as well as a disaster is created, the illusion being that "well, we solved the hunger problems, what's next—prison reform?"

The Federal Government has tried to feed its poor people—meaning those who cannot make their own way, either because they are too young, old, sick, crippled or whose skills are not needed by our technologized job market—by three main programs: food stamps, school lunches and the direct food distribution program. An estimated 13 to 14 million people—the hungry poor—are meant to receive food from the government through these programs. The Senate Select Committee on Nutrition and Human Needs, through hearings and investigations, has been a useful prod to see to it that the first two of these programs have been made to work with modest—though far from total—effectiveness. Thus, as astonishing as it may seem to some, many of the poor who are intended by Congress to receive food through these programs are actually receiving it.

This is less true, however, with the third program—the direct food distribution program of the Department of Agriculture. Begun in 1935, this effort operates today in 1,061 counties in 34 states and is intended to serve more than 3.5 million people. On the local level, a hungry person—whose hunger has been made official because he or she filled in the proper forms at the county level—goes once a month to a county-run warehouse; there, he or she believes, 27.5 pounds of food can be picked up for each member of the family. Too, often, though, the hungry person finds the cupboards of the warehouse bare. "Sorry," the county man might say, "no peanut butter this time nor applesauce or meat or cheese. Come back next month, may be we'll have it in."

The denied poor man may go away with arms empty thinking that he just came at a bad moment. Perhaps. But in many cases, timing had nothing to do with it. Instead, the poor are victimized by indifference and mismanagement from a number of sources: Congress, the Department of Agriculture, local officials. For example, in Waco, Texas, the welfare director will not talk to pregnant women on Mondays' nor give food to a mother on AFDC (aid to families with dependent children). In Tennessee, an elderly couple cannot get food assistance if their income exceeds $130 a month. In Vermont, to get food, the hungry person is often asked to sign over the property rights to his house—even if a shack or cabin—to the county, not his children. In California, some recipients must travel 100 miles, one way, to get food, in more than a few warehouses, food is stored in what even the Department of Agriculture calls "dangerous conditions."

This grim information on how the government treats its helpless was gathered over the past summer by an investigating team from the Nutrition Committee. One of its members was Robert Choate—best known for his studies on the nutrition value of American breakfast cereals—who served as a consultant. Choate's team came back from visiting some 20 warehouses in 10 states to testify at hearings held by Sen. Charles Percy (R-Ill.) in mid-September. Choate was aghast at what he found out. "It's strange. If you stay in Washington too long, you forget that hungry people are still out there. Kids, old people, sick people. But the hungry haven't gone away, only the issue of hunger has. Then also, another strange thing is that many of the flaws found in the food distribution program are in counties having lush and high-producing farms. Thus, the hungry are surrounded by food. But it is all shipped out to middle and upper class America. And sometimes the hungry know the cruelest irony of all—the farm they look at is government subsidized."

The four days of hearings before Senator Percy were notable for several reasons. This was the first time in 35 years—since the Agriculture Act of 1935—that the food distribution program was reviewed by Congress from the viewpoint of the receivers. A curious double standard is created. Other Department of Agriculture programs, especially those that benefit wealthy farmers and their crop subsidies, get constant congressional attention. The politicians want to be sure these programs are being well run by the bureaucrats and that the subsidy checks are going out on time.

A second odd fact about the hearings was the lack of information and even interest, shown by the Agriculture officials about the food distribution program. A series of critical witnesses had detailed abuses and flaws which demanded explanation. These abuses included insufficient food (calorie deficiency), nutritional imbalance, dangerous storage conditions, inaccessible warehouses and thick jungles of certification standards through which no poor person could pass. On the last matter for example, it was known that the Agriculture Department saw the problem and was about to issue national standards of eligibility. Senator Percy asked about this. "Yes," replied Richard Lyng, an assistant secretary of Agriculture, "we believe there would be some advantage to national eligibility standards. We have not, however, completed our work on them nor do we expect to propose them in the immediate future. There would be a rather substantial increased cost . . ."

Elsewhere in the Lyng testimony, questions from Percy are left unanswered. "I don't have any information on that at hand," Lyng replied to one question. "We'll give you a complete report on this" to another. Committee staff workers say that the department had six weeks of notice before the hearings: a week before the committee sent a list of questions to Agriculture officials that would likely be asked. When queried about this. Lyng said that administering this program is "a complicated legistical problem but we're working on it." Candidly, he confessed that the hearings were not a high moment for his department. "We could have answered better. We goofed. It's stupid to be evasive." Amen, said one nutrition committee staff worker. "I was amazed. These officials showed no inclination to improve their program. Take it or leave it, was their attitude. After all, it's only poor people."

All this takes place in Washington, where news of another ill-working program hardly causes a pause. Everyone means well toward the hungry, there is no deliberate plot to starve them from our presence. But neither is there much deliberateness in executing such a simple task as getting food to hungry people. A telling, and strange, dialogue occurred at one point between Senator Percy and Assistant Secretary Lyng. What can Congress do to improve the food distribution program, asked Percy. Lyng: "Well, action by Congress would perhaps force our hands, force us to move more quickly than we might otherwise do." Talk to us in the language of pressure, said this official of the people, we understand no other tongue.